

## TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

## CHAPTER 2. ARIZONA RACING COMMISSION

(Authority: A.R.S. § 5-101 et seq.)

*Editor's Note: The Office of the Secretary of State prints all Code Chapters on white paper (Supp. 03-4).*

*Editor's Note: This Chapter contains rules which were adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for review and approval; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; and the Commission was not required to hold public hearings on these rules. Because this Chapter contains rules which are exempt from the regular rulemaking process, the Chapter is printed on blue paper.*

*19 A.A.C. 2, consisting of R19-2-101 through R19-2-124, R19-2-301 through R19-2-331, and R19-2-501 through R19-2-523, recodified from 4 A.A.C. 27, consisting of R4-27-101 through R4-27-124, R4-27-301 through R4-27-331, and R4-27-501 through R4-27-523, pursuant to R1-1-102 (Supp. 95-1).*

*Title 4, Chapter 27 consisting of Sections R4-27-101 through R4-27-124, R4-27-301 through R4-27-323 adopted effective August 5, 1983. R19-2-101 through R19-2-124 recodified from R4-27-101 through R4-27-124 (Supp. 95-1).*

*Former Title 4, Chapter 27 consisting of Sections R4-27-101 through R4-27-111, R4-27-201 through R4-27-211, R4-27-301 through R4-27-312 repealed effective August 5, 1983. R19-2-101 through R19-2-111, R19-2-201 through R19-2-211, R19-2-301 through R19-2-312 recodified from R4-27-101 through R4-27-111, R4-27-201 through R4-27-211, R4-27-301 through R4-27-312 (Supp. 95-1).*

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*Article 4, consisting of Sections R19-2-401 through R19-2-410, adopted effective February 26, 1996, under an exemption from the rulemaking process pursuant to A.R.S. § 41-105(A)(18) (Supp. 96-1).*

*Article 4, consisting of Sections R4-27-401 through R4-27-410, repealed effective December 14, 1994 (Supp. 94-4).*

*Article 4, consisting of Sections R4-27-401 through R4-27-410, adopted effective April 3, 1984 (Supp. 84-2). R19-2-401 through R19-2-410 recodified from R4-27-401 through R4-27-410 (Supp. 95-1).*

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*Article 5, consisting of Sections R4-27-501 through R4-27-523, adopted effective October 21, 1993, under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules. Because this Chapter contains rules which are exempt from the regular rulemaking process, the Chapter is being printed on blue paper. R-19-2-501 through R19-2-523 recodified from R4-27-501 through R4-27-523 (Supp. 95-1).*

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**ARTICLE 1. HORSE RACING****R19-2-101. Power and Authority**

- A. All powers of the Department and Commission not specifically defined in these rules are reserved to the Department and Commission under the law creating the Department and Commission and specifying its powers and duties.
- B. The jurisdiction of the Department and Commission over matters covered by the statutes and the rules is continuous throughout the year.
- C. The statutes of the state of Arizona and the rules and the orders of the Department and Commission take precedence over the conditions of a race or the conditions of a racing meeting.
- D. The Director may sustain, reverse, or modify any penalty or decision imposed by the stewards.
- E. The Commission may sustain, reverse, or modify any penalty or decision imposed by the Director.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4). Editor spelling correction to subsection (C) (Supp. 88-4). R19-2-101 recodified from R4-27-101 (Supp. 95-1).

**R19-2-102. Definitions**

In these rules, unless the context otherwise requires:

1. "Added money" means the money a permittee adds to the nominating and starting fees in a race.
2. "Age" means the age of a horse as computed from the first day of January in the year in which the horse is foaled.
3. "Authorized agent" means a person appointed pursuant to R19-2-106(I) of these rules.
4. "Breeder" of a horse means the owner or lessee of its dam at the time of foaling.
5. "Breeding place" means the place of birth of a horse.
6. "Commission" means the Arizona Racing Commission.
7. "Course" means the track over which horses race.
8. "Declaration" means the act of withdrawing an entered horse from a race.
9. "Department" means the Arizona Department of Racing.
10. "Director" means the Director of the Arizona Department of Racing.
11. "Entrance fee" means a fee set by the permittee which must be paid in order to make a horse eligible for a stakes race.
12. "Entry" means, according to its context, either:
  - a. A horse eligible and entered in a race, or

- b. Two or more horses which are entered in a race and are owned in whole or in part by the same owner or are trained by a trainer who owns any interest in any of the other horses in the race.
- 13. "Equipment" as applied to a horse means whips, blinkers, tongue straps, muzzles, hoods, nose bands, shadow rolls, martingales, breast plates, bandages, boots, plates (shoes), and all other paraphernalia which is or might be used on or attached to a horse while racing.
- 14. "Field" means:
  - a. The entire group of horses in a race.
  - b. The highest numbered horse within the capacity of the tote and all horses of a higher number grouped together in the wagering.
- 15. "Foreign substance" means any drug, medicine, metabolite, or any other substance which does not exist naturally in the untreated horse and which may have a pharmacological effect on the racing performance of a horse or which may affect sampling or testing procedures. Foreign substances include but are not limited to stimulants, depressants, local anesthetics, narcotics, and analgesics.
- 16. "Foul" means any action by a horse or jockey which interferes with another horse or jockey in the running of a race.
- 17. "Grounds" means the entire area used by the permittee to conduct racing meetings including, but not limited to, the track, grandstand, stables, concession areas, and parking facilities.
- 18. "Horse" includes filly, mare, colt, horse, gelding and ridgling.
  - a. In general when referring to sex, a horse is an entire male 5 years old or older.
  - b. Ridgling shall mean a half-castrated male horse or a horse with one or both organs of reproduction absent from the sac.
- 19. "Lawfully issued prescription" means a prescription-only drug, as defined in A.R.S. § 13-3401, obtained directly or pursuant to a valid prescription or order from a licensed physician acting in the course of professional practice.
- 20. "Lessee" or "lessor" means a person who has leased a horse for racing purposes.
- 21. "Maiden" means a horse which at the time of starting has never won a race on the flat in any country on a recognized track or which has been disqualified after finishing first.
- 22. "Meeting" means the entire period for which a permit to conduct racing has been granted to any permittee by the Commission.
- 23. "Nominating fee" means a fee set by the permittee which must be paid in order to make a horse eligible for a stakes race.
- 24. "Nomination" means the naming of a horse or its foal in utero to compete in a specific race or series of races, eligibility for which may be conditional upon the payment of a fee at the time of naming.
- 25. "Nominator" means the person in whose name a horse is nominated for a stakes or handicap race.
- 26. "Off time" means the moment at which, on signal of the starter, the horses break and run.
- 27. "Overpayment" means the amount by which purses paid exceeds the amount due horsemen based upon the net take and break calculation.
- 28. "Owner" means any person possessing all or part of the legal title to a horse.
- 29. "Place" means the position in which a horse finishes in a race, and more specifically win-first, place-second, and show-third.
- 30. "Post position" means the position assigned to a horse for the start of a race.
- 31. "Post time" means the time set for the arrival at the starting point of the horses in a race.
- 32. "Prohibited substance" means any substance regulated by A.R.S. Title 13, Chapter 34.
- 33. "Race" means a contest among horses for purse, stakes, premium, or wager for money, run in the presence of the racing officials of the track and of the Department.
  - a. "Claiming race" means a race in which any horse entered may be claimed in conformity with these rules.
  - b. "Graded quarter race" means a quarter race for which horses are classified by the racing secretary on the basis of prior racing times and past performances.
  - c. "Handicap" means a race in which weights to be carried by the entered horses are adjusted by a handicapper for the purpose of equalizing their respective chances of winning.
  - d. "Hurdle race" means a race over a course in which jumps or hurdles are used.
  - e. "Match race" means a race between two or more horses, each the property of different owners, on terms agreed upon by the owners and approved by the Department.
  - f. "Overnight race" means a race for which entries close 96 hours or less before the time set for the first race of the day on which such race is to be run.
  - g. "Purse race" means a race for money or other prize to which the owners of the horses engaged in the race do not contribute an entry fee.
  - h. "Quarter race" means a race on the flat at 870 yards or less.
  - i. "Race on the flat" means a race over a course in which no jumps or other obstacles are placed.
  - j. "Stakes race" means a race in which any monies are to be deposited by the owners of the horses engaged in the race, including a race in which money or other prize is added, and in which nominations must close more than 72 hours before the time for the first race of the day on which such stakes race is to be run.
- 34. "Recognized track" means a track where pari-mutuel wagering is authorized by law or which is recognized by the American Quarter Horse Association.
- 35. "Ruled off" means the act of barring from the grounds of a permittee and denying all racing privileges.
- 36. "Scratch" means the act of withdrawing an entered horse from a race after the closing of overnight entries.
- 37. "Scratch time" means the time set by the permittee for the withdrawing of entries from the races of that day.
- 38. "Starting fee" means a fee, specified by the conditions of the race and set by the permittee, which must be paid in order to start in a race.
- 39. "Starting horse" means a horse which leaves the paddock for the post, excluding:
  - a. A horse subsequently excused by the stewards, or
  - b. A horse whose starting gate stall doors do not open in front of it at the time the starter dispatches the field.
- 40. "Subscription" means the act of nominating to a stakes race.

41. "Supplemental fee" means a fee set by the permittee that must be paid at a time prescribed by the permittee to make a horse eligible for a stakes race.
42. "Suspended" means that any privilege granted by the officials of a racing meeting or by the Commission or the Department has been temporarily withdrawn.
43. "Sustaining fees" mean fees which must be paid periodically, as prescribed by the conditions of the race, in order to keep a horse eligible for that race.
44. "Tote/totalizator" means the machines which sell mutual tickets and the board on which the approximate odds are posted.
45. "Track" means the course over which races take place.
46. "Trainer" means the person employed by an owner or lessee to condition horses for racing.
47. "Underpayment" means the amount by which the amount due horsemen based upon the net take and break calculation exceeds the amount of purses paid.
48. "Walkover" means a race in which there are not two or more horses of separate interest sent postward.
49. "Weight" means the standard weight according to the scale set forth in R19-2-118.
2. Substantive review time-frame. Within 30 days after receipt of a complete application package, the Commission, with the recommendation of the Department, shall determine whether the applicant meets all substantive requirements and issue a written notice granting or denying the permit.
3. Overall time-frame. For the purpose of A.R.S. § 41-1073, the Department establishes the following time-frames for issuing a permit.
  - a. Administrative completeness review time-frame: 728 days;
  - b. Substantive review time-frame: 30 days;
  - c. Overall time-frame: 758 days.
4. Renewal and temporary permit time-frames. The administrative completeness review time-frame is 30 days, the substantive review time-frame is 30 days, and the overall time-frame is 60 days, excluding time for mailing. The renewal or temporary permit is considered administratively complete unless the Department issues a written notice of deficiencies to the applicant. Temporary permits are valid until a full permit is awarded or until the Commission revokes the temporary permit.

#### Historical Note

Adopted effective August 5, 1983 (Supp. 83-4). Amended paragraph (15), added new paragraphs (26) and (45) and renumbering accordingly effective June 6, 1986 (Supp. 86-3). Amended by adding paragraphs (19) and (32) and renumbering accordingly effective November 30, 1988 (Supp. 88-4). Amended effective March 20, 1990 (Supp. 90-1). R19-2-102 recodified from R4-27-102 (Supp. 95-1).

#### R19-2-103. Permit Applications

- A. Any person or persons, associations, or corporation desiring to hold or conduct a horse racing meeting within the state of Arizona shall file with the Commission 10 copies of a permit application as set forth in A.R.S. § 5-107.
- B. The Department shall not issue a permit until the applicant has furnished evidence of compliance with A.R.S. § 23-901 et seq. (Workers' Compensation).
- C. Permit applicants shall submit to the Commission the names of the proposed track officials at least 60 days prior to the beginning of their meet, along with a short biographical sketch of each official not previously licensed in the same capacity by the Department.
- D. A permit application shall specify the number of races to be run on a daily basis.
- E. Racing shall be conducted only on those days granted by permit.
- F. Permit Application Time-frames.
  1. Administrative completeness review time-frame.
    - a. Within 728 days after receiving an application package, the Department shall determine whether the application package contains the information required by subsections (A), (B), (C), and (D).
    - b. If the application package is incomplete, the Department shall issue a written notice that specifies what information is required and return the application. If the application package is complete, the Department shall provide a written notice of administrative completeness.
    - c. The Department shall deem an application package withdrawn if the applicant fails to file a complete application package within 180 days of being notified that the application package is incomplete.

#### Historical Note

Adopted effective August 5, 1983 (Supp. 83-4). Amended effective March 20, 1990 (Supp. 90-1). R19-2-103 recodified from R4-27-103 (Supp. 95-1). Amended effective January 6, 1998 (Supp. 98-1).

#### R19-2-104. Permittee Responsibilities

- A. A permittee shall maintain the grounds in a neat, clean, and safe condition. If a steward determines that a permittee is not in compliance with this Section, the steward shall require that the permittee immediately bring the grounds into compliance.
- B. The permittee shall prevent any person, corporation, firm, or association not licensed by the Department from performing any act at its track which requires a license under A.R.S. Title 5, Chapter 1, or this Article.
- C. Each permittee department head shall see that the permittee department head's employees are licensed and furnish a list of the employees upon request.
- D. A permittee shall take all steps necessary to deny the privileges of a license to anyone whose license has been revoked or suspended and to keep such a person off the grounds of the permittee and to prevent a person who has been ruled off from entering the grounds of the permittee.
- E. A permittee or its employees shall not obstruct a representative of the Department performing the representative's duties.
- F. A permittee shall not knowingly allow on its grounds any betting or other operations in contravention of any law of the state of Arizona or of the United States.
- G. The permittee shall immediately report all observed violations of any racing regulation or statute to the Department and shall cooperate with the Department and with state, federal, and local authorities in investigations of alleged violations.
- H. A permittee shall provide the following services at the track:
  1. A horse ambulance, approved by the Department, for the removal of crippled animals from the track.
  2. A physician or emergency paramedic certified under A.R.S. § 36-2205 on duty during racing hours.
  3. An ambulance, available during morning works and racing hours.
  4. First aid quarters, available during morning works and racing hours.
  5. A detention paddock (test barn) where all winners and other horses selected by the stewards are taken and kept under the supervision of the Department veterinarian.

- until saliva, urine, blood, and other samples have been obtained.
6. An adequate security force whose duties include:
    - a. Maintaining order.
    - b. Excluding from the grounds all handbooks, touts, and operators of gambling devices.
    - c. Excluding from the grounds all persons ruled off by the stewards or the Department.
    - d. Excluding from the grounds all persons not eligible for a license under A.R.S. § 5-108.
    - e. Immediately reporting to the stewards any licensee who, while on the premises of the permittee, creates a disturbance, is intoxicated, interferes with any racing operation, or acts in an abusive or threatening manner to any racing official or other person.
  7. A security guard stationed at the stable area entrance whose duties include:
    - a. Denying entrance to all persons not holding a license or credentials issued by the Department or a Departmental pass issued by the permittee.
    - b. Allowing any person seeking employment within the stable area to have access to that area for a period of one day, provided that:
      - i. The person is given a numbered card.
      - ii. A list of recipients of the numbered cards is provided to the track office of the Department upon request.
      - iii. The numbered card is retrieved by the security guard when the person leaves the stable area.
      - iv. The track office of the Department is notified of the retrieval.
  8. A furnished office, including utilities and necessary office equipment, for the exclusive use of Department employees and officials.
  9. A uniformed security official approved by the Department, on duty in the Department test barn during its regular business hours. The official shall provide security and monitor the collection procedure and sealing of samples taken from the horses.
  10. A copy of all tip sheets offered for sale in the parking area or elsewhere on the grounds of the permittee, furnished daily to the stewards not later than three hours before first post.
- I.** A person shall not sell tip sheets, pamphlets, or other printed matter purporting to predict the outcome of a race other than official programs, the Daily Racing Form, and newspapers in the betting area.
- J.** Wagering shall be conducted upon the grounds of a permittee only under the pari-mutuel method as provided by statute and this Article and by the use of such mechanical or other equipment as the Department may require. Bookmaking or betting other than by the pari-mutuel method is prohibited.
- K.** A permittee shall not allow the official racing of horses on any track under its control except as provided by subsection (P) below unless:
1. The conditions of the race have been written by the racing secretary at the meeting.
  2. The entries have been made in accordance with the requirements set forth in R19-2-113.
  3. The race programmed as a part of a regular racing card conducted under the pari-mutuel system.
- L.** On a daily basis, and as soon as the entries have been closed and compiled and the declarations have been made, the permittee posts a list of the entries and declarations in a conspicuous place.
- M.** A permittee shall print on a daily racing program a list of all officials and directors of the permittee and of track and racing officials, together with such pertinent rules as the Department may designate.
- N.** A permittee shall not allow an official to act until the official's appointment has been approved by the Department; provided that, in the case of sickness or inability to act, the provisions of R19-2-121(A)(5) apply.
- O.** The permittee shall provide a photo finish and videotape device, approved by the Department, for the purpose of recording all races. The photographs and videotapes may be used to aid the stewards in determining the finishes of races. Permittees shall retain for three months all official race photographs and videotapes. The Department may require that specific photographs and videotapes be retained for a longer period of time of be transmitted to the Department for subsequent administrative or judicial proceedings.
- P.** Notwithstanding subsection (K), wagering may be conducted, by permission of the Department, on electronically televised simulcasts provided:
1. The simulcasts originate from a racing facility outside the state of Arizona.
  2. The race is televised on the grounds of the permittee.
  3. The televised race is included with the posted races for that racing day.
  4. The televised race complies with the Interstate Horseracing Act of 1978 (15 U.S.C. 3001 et seq.).
  5. Monies wagered are computed in the total daily handle.
  6. An out-of-state facility, receiving a simulcast originating from a racing facility within the state of Arizona, operates under the approval and regulation of an official agency of that state.
- Q.** Any automatic timing device installed by the permittee shall have the approval of the Department.
- R.** Each commercial horse racing permittee shall furnish the Department with annual financial statements audited and certified by a firm approved by the auditor general.
1. The firm shall conduct the audit in accordance with audit standards prescribed by the auditor general.
  2. The firm shall prepare the financial statements in accordance with generally accepted accounting practices.
  3. The firm shall use the following accounting practices:
    - a. Overpayments shall be treated as an asset to the extent that they are recoverable. Overpayments are reported as an asset titled "Purse Overpayments," immediately following current assets. If the permittee and the accountant determine that all or part of any overpayment is not recoverable, the dollar amount expensed and the basis of the determination shall be disclosed in the notes to the financial statements.
    - b. Underpayments shall be reflected as an account payable.
    - c. Wagering income shall be reported net of sales taxes.
    - d. Amounts which a permittee is seeking to recover through litigation shall not be reported as assets.
  4. The firm shall submit the following information with the financial statements in a form prescribed by the Department:
    - a. An analysis of the composition of and changes in accounts payable which include underpayments and asset accounts which include overpayments,
    - b. A summary of current year purse expense and over- or underpayment,
    - c. The total amount of salaries and bonuses expense,

- d. Legal and accounting expense attributable to racing-related matters,
  - e. An explanation of the types of revenues and expenses classified in accounts titled "other," and
  - f. Other financial information requested by the Commission or Department.
5. Financial statements of permittees granted original permits prior to July 1, 1982, shall be on a fiscal year basis. Financial statements of permittees granted original permits after July 1, 1982, may be on a fiscal or calendar year basis at the discretion of the Director.
  6. The firm shall submit financial statements within 120 calendar days of the end of the fiscal or calendar year.
  7. The firm shall report overpayments and underpayments to the Department in a form prescribed by the Department within 10 working days after the end of each condition book period.

#### Historical Note

Adopted effective August 5, 1983 (Supp. 83-4). Amended subsection (H) paragraph (9) effective August 2, 1985 (Supp. 85-4). Amended subsection (R) effective June 6, 1986 (Supp. 86-3). Amended effective March 20, 1990 (Supp. 90-1). Amended effective August 6, 1991 (Supp. 91-3). R19-2-104 recodified from R4-27-104 (Supp. 95-1). Amended effective January 6, 1998 (Supp. 98-1).

#### R19-2-105. Charity Races

- A. A permittee shall provide the Commission with:
  1. The name of any nonprofit organization or corporation selected by the permittee as a charity entitled to benefit from a charity racing day or race.
  2. A list of the names and addresses of all directors, officers, and shareholders holding 10% or more of the total number of outstanding voting shares of the charitable corporation.
  3. A brief description of the purposes and activities to be benefited by monies received from the charity racing day or race.
  4. A copy of an Internal Revenue Service letter of determination qualifying the particular charity as an exempt organization or corporation for federal income tax purposes.
- B. No permittee shall charge any expenses incurred by operation of racing against the pari-mutuel handle of a charity racing day or race except those prorated expenses incurred on the day of that particular charity racing day or race.

#### Historical Note

Adopted effective August 5, 1983 (Supp. 83-4). Amended effective March 20, 1990 (Supp. 90-1). R19-2-105 recodified from R4-27-105 (Supp. 95-1).

#### R19-2-106. Licensing

- A. All persons participating in any capacity in a racing meeting, including all persons who perform services in connection with the conduct of the racing meeting, shall obtain a license from the Department, except:
  1. Those persons performing services during a county fair race meet who are identified as volunteers.
  2. Any person owning less than 10% of all classifications and types of outstanding shares of stock of any permittee or licensee.
- B. Applications.
  1. A person applying for a license shall complete the form prescribed by the Department. All applicants and licens-

ees are obligated to know and follow the provisions of the rules governing racing in the state of Arizona.

2. The Department may issue written instructions regarding the preparation and execution of the license application, and the instructions may be a part of or separate from the application form, or both.
3. A schedule of license and fingerprint processing fees shall be displayed prominently at each track.
4. Each applicant 18 years of age or older shall submit to being fingerprinted. The fingerprints shall be taken by the Department or certified by a municipal police department, sheriff's office, or other recognized authority acceptable to the Department.
- C. License applications shall be submitted to the Department office located on the grounds of a permittee or other designated facility.
- D. License procedure.
  1. A license application shall be granted or denied by a steward and transmitted to the Director.
  2. In considering each application for a license, the steward may require the applicant, as well as the applicant's endorsers, to appear before the steward and show that the applicant is qualified in every respect to receive the license requested. Ability as well as integrity shall be clearly shown by the applicant in order to receive a license.
  3. An applicant who fails to pass the test for a trainer's license shall wait at least six months before retaking the test.
  4. Administrative completeness review time-frame.
    - a. Within 85 days after receiving an application package, the Department shall determine whether the application package contains the information required by subsections (B), (C), and (D)(1), (D)(2), and (D)(3).
    - b. If the application package is incomplete, the Department shall issue a written notice that specifies what information is required and return the application. If the application package is complete, the Department shall provide a written notice of administrative completeness.
    - c. The Department shall deem an application package withdrawn if the applicant or licensee fails to file a complete application package within 10 days of being notified that the application package is incomplete.
  5. Substantive review time-frame: Within five days after receipt of a complete application package, the Department shall determine whether the applicant or licensee meets all substantive requirements and issue a written notice granting or denying a license.
  6. Overall time-frame: For the purpose of A.R.S. § 41-1073, the Department establishes the following time-frames for issuing a license.
    - a. Administrative completeness review time-frame: 85 days.
    - b. Substantive review time-frame: five days.
    - c. Overall time-frame: 90 days.
  7. Temporary license. All licenses are temporary for 90 days under A.R.S. § 5-108(F). Unless the Department denies a license to an applicant, a temporary license automatically becomes the license after 90 days.
- E. Denials.
  1. A license may be denied if the applicant:

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- a. Habitually has been or is intoxicated or a user of narcotics within the grounds of the permittee pursuant to A.R.S. § 36-2501(A)(8);
  - b. Has failed to disclose the true ownership or interest in any horse.
2. Whenever a license is denied, the Department shall report the reasons for the denial in writing to the applicant and to the Association of Racing Commissioners International, Inc. and the North American Pari-mutuel Regulators Association.

**F. General requirements and restrictions.**

- 1. A licensee who is employed in more than one category or who changes from one category to another shall be licensed in each category.
- 2. A licensee who is an official at different types of tracks (horse, harness, or greyhound) shall be licensed at each type of track.
- 3. The Department shall not license a person under 16 years of age in any capacity other than as an owner, and shall not license a person under 18 as an official, trainer, or assistant trainer. Any person under 18, licensed as an owner, shall have a parent or guardian sign the owner's license application, the parent or guardian assuming full financial responsibility for the applicant, before that person can be licensed.
- 4. Each license shall expire on the 30th day of June, 1995, and every third year thereafter, except that:
  - a. Apprentice jockey licenses expire as provided in R19-2-109(D)(1)(c).
  - b. One-year licenses may be issued for mutuel workers, concession workers, grooms, and peace officers. These licenses expire each year on June 30.
- 5. All persons, when present in the barn area of a horse track, in paddock areas, or in any other restricted area shall wear a photo identification badge issued by the Department or a pass issued by the permittee in full view.

**G. Fees.**

	<i>1st Year</i>	<i>2nd Year</i>	<i>3rd Year</i>
1. Three-year licenses:			
a. New stable name:	\$124	\$112	\$100
b. Owner/trainer, jockey agent, jockey, or apprentice jockey:	\$75	\$50	\$25
c. Owner, trainer, assistant trainer, veterinarian, authorized agent, official, lessee, lessor, or stable name renewal:	\$36	\$24	\$12
d. Occupational license:	\$15	\$10	\$5
2. One-year license:	\$7		
3. Duplicate license:	\$5	\$5	\$5
4. Temporary claiming license:	\$36	\$36	\$36
5. Authorized agent when licensed in another category:	\$5	\$5	\$5
6. Authorized agent when not licensed in another category:	\$36	\$24	\$12

- H.** All licenses are temporary under A.R.S. § 5-108(F). The Department shall perform a background investigation, including fingerprint processing through the Department of Public Safety and the FBI, and research and review of records of the Association of Racing Commissioners International, Inc., the North American Pari-mutuel Regulators Association, information systems, courts, law enforcement agencies, and the Department within time-frame prescribed in R19-2-106(D)(4).

**I. Authorized agents.**

- 1. A person may hold a license solely as an authorized agent or be licensed as an authorized agent and be licensed in another category.
- 2. The principal shall sign the application for a license on behalf of an authorized agent and clearly set forth the powers of the agent, including whether the agent is empowered to collect money from the permittee. The application shall be either notarized or signed in the presence of a Department employee and a copy filed with the horsemen's bookkeeper and with the Department.
- 3. The principal shall change an agent's powers or revoke an agent's authority in writing that is either notarized or signed in the presence of a Department official, and filed with the Department and the horsemen's bookkeeper.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4). Amended subsections (G) and (I) effective January 25, 1985 (Supp. 85-1). Amended subsections (F) and (G) effective December 5, 1985 (Supp. 85-6). Amended subsections (F) and (G) effective February 19, 1987 (Supp. 87-1). Amended subsections (A) and (B) effective October 23, 1987 (Supp. 87-4). Amended subsections (E), (F) and (G) effective November 30, 1988 (Supp. 88-4). Amended effective March 20, 1990 (Supp. 90-1). Amended effective January 13, 1995 (Supp. 95-1). R19-2-106 recodified from R4-27-106 (Supp. 95-1). Amended effective January 6, 1998 (Supp. 98-1). Amended by final rulemaking at 10 A.A.R. 717, effective April 3, 2004 (Supp. 04-1).

**R19-2-107. Stable Names**

- A.** A licensed owner who wishes to race under a stable name shall register the stable name with the Department and pay the fee listed in R19-2-106.
- 1. Only an owner may register or secure a license under a stable name.
  - 2. A name other than the legal name of an owner is a stable name.
- B.** When registering a stable name, a licensed owner shall identify any individual or business entity operating under the stable name.
- 1. An individual operating under a stable name shall possess and be able to produce the individual's owner's license upon request by a racing official.
  - 2. An individual operating under a stable name shall sign the authorized agent's application.
  - 3. A business entity operating under a stable name shall:
    - a. Register to do business according to the laws of the state of Arizona;
    - b. Submit a list that identifies each stockholder who owns more than 10% of the existing shares, or each partner in a partnership;
    - c. Notify the Department immediately of any change in ownership; and
    - d. Use the name under which the business entity does business in Arizona as its stable name.
- C.** If consistent with other laws, a licensed owner may change a stable name by registering the new stable name and paying the applicable fee in R19-2-106.
- D.** To abandon a registered stable name, a licensed owner shall provide written notice to the Department.
- E.** A licensed owner shall select a stable name that is distinguishable from other registered stable names.
- F.** Upon registration, the Department shall determine whether a prospective stable name will be:

1. Misleading to the public, or
2. Unbecoming to the sport.
- G.** The Department shall not register a stable name that is misleading to the public or unbecoming to the sport.
- H.** A licensed owner shall register a separate name for each of the owner's stables.
- I.** A licensed owner operating under a stable name shall pay all entry fees for and penalties against the stable.
- J.** At the time of entry, a licensed owner shall ensure that the applicable stable name is furnished for the official program.

#### Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).  
Amended effective March 20, 1990 (Supp. 90-1). R19-2-107 recodified from R4-27-107 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 4919, effective December 6, 2003 (Supp. 03-4).

#### R19-2-108. Leases

- A.** The lessee of a horse shall file a copy of the leasing arrangement with the Department. The leasing arrangement shall include:
  1. The name of the horse,
  2. The name and address of the owner-lessor,
  3. The name and address of the lessee,
  4. The stable name, if any, of each party,
  5. The terms of the lease.
- B.** No corporation having more than 10 stockholders who are the registered or beneficial owners of stock or membership in the corporation shall lease any horse owned or controlled by it to any person or partnership for racing purposes.
- C.** No owner's license shall be granted to a lessee of any corporation referred to in subsection (B) of these rules.
- D.** A corporation which leases horses for racing purposes in this state, its stockholders, and its members shall file with the Department, upon request, a report containing such information as the Department may specify.

#### Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).  
Amended effective March 20, 1990 (Supp. 90-1). R19-2-108 recodified from R4-27-108 (Supp. 95-1).

#### R19-2-109. Jockeys

- A.** Generally.
  1. A jockey shall pass a physical examination by a physician designated by a permittee. An examination is valid for a 12-month period. A steward may require that a jockey take an additional physical examination if the steward reasonably suspects a jockey's health may endanger himself, his mount, or others. A steward may refuse to allow any jockey to ride until the jockey successfully passes another examination. A steward or a steward's designee may require that any jockey provide blood or urine samples for analysis upon request under A.R.S. § 5-104 (C).
  2. A jockey who rides in a race shall report to the jockey room at the time posted in the jockey room and shall remain in the jockey room between races until all engagements for the day have been fulfilled.
  3. A jockey shall wear standard jockey attire in official races.
  4. Only a jockey, an attendant and a racing official are permitted in the jockey room.
  5. A jockey is entitled to a mount fee when the jockey is weighed out by the clerk of scales except in the following cases:
    - a. The jockey refuses to ride a mount without proper cause.
    - b. A steward replaces a jockey with a substitute jockey, unless the jockey is being replaced because of an injury received after weighing out and before the start of a race.
  6. A jockey named at the draw by lot or by a steward can be replaced by an owner or trainer without payment of a mount fee by notifying a steward or the steward's designee by 9:00 a.m. the following entry day.
  7. An owner or trainer shall pay a mount fee to a replaced jockey equal to the fee of the jockey who rides the race unless:
    - a. An owner or trainer replaces a jockey by notifying a steward or the steward's designee no later than 9:00 a.m. MST on the day immediately preceding the day of the race. In such a case, an owner shall pay a losing fee for each jockey the owner replaces in a race. The Director may establish an earlier deadline for jockey changes in consultation with a permittee, steward, jockey, owner, and trainer, or their representatives at the race meeting. The Director shall not establish a deadline for jockey changes later than noon of a race day at any race meeting with an average daily handle of \$100,000.00 or less; or
    - b. A replaced jockey or jockey's agent waives the fee.
- B.** Equipment.
  1. A bridle that exceeds two pounds in weight shall not be used in a race.
  2. A jockey shall use a whip in a race at least 1/4 inch in diameter but not more than one pound in weight or 29 inches in length including the popper.
  3. A jockey, apprentice jockey, exercise rider, pony person, and any other person mounted on a racing surface shall wear a properly fastened helmet.
- C.** Weight; weighing.
  1. An owner shall deposit a losing mount fee with a permittee before a jockey is weighed out for a race. If an owner fails to comply with this subsection, a steward may declare the owner's horse out of the race.
  2. A jockey shall weigh out and weigh in for a race without a whip or a bridle.
  3. A jockey's weight is measured against the jockey's assigned weight as published in the official race program.
  4. A jockey shall not weigh more than one pound less than the jockey's assigned weight published in the official program.
  5. A jockey shall declare the amount of overweight at the time of weighing out.
    - a. A jockey shall not ride in a race if more than two pounds overweight without the consent of the owner or trainer of the horse the jockey is to ride.
    - b. A jockey shall not ride in a race if more than seven pounds overweight without the consent of a steward.
    - c. A steward shall not disqualify a horse because of any overweight the horse might carry.
    - d. A permittee shall publicly post any change of weight different from that published in the official program.
  6. Immediately after pulling up, a jockey shall ride to the place of weighing in, dismount after obtaining permission from the official in charge, and wait to be weighed by the clerk of the scales.
  7. A jockey shall not intentionally touch any person or thing other than the jockey's own equipment before weighing in.
    - a. A jockey shall unsaddle the jockey's own horse, unless the jockey has obtained permission from an official in charge.



- b. An attendant may touch a the horse only by its bridle unless the attendant has obtained permission from an official in charge.
  - c. A person shall not touch the equipment of a jockey who has returned to the winner's circle to dismount until the jockey has been weighed in unless the person has obtained permission from the official in charge.
8. A jockey who is not able to ride to the place of weighing in because of an accident or illness which disables either the jockey or the horse shall walk or be assisted to the scales.
- D. Apprentice jockey.**
- 1. Licenses.
    - a. An applicant for an apprentice jockey license shall provide a certified copy of the applicant's birth certificate or other satisfactory evidence of date of birth.
    - b. A steward shall issue an apprentice jockey license if an applicant:
      - i. Is more than 16 years of age and, if less than age 18, a parent or guardian signs the license application assuming full financial responsibility for the applicant;
      - ii. Is approved working a horse out of the gate by the starter;
      - iii. Successfully demonstrates to a steward the ability to gallop or exercise a horse; and
      - iv. Has the necessary tack and wearing apparel.
  - 2. Expiration of license; weight allowance.
    - a. An apprentice jockey license expires when the apprentice jockey can no longer claim the weight allowances under subsection (b). Upon expiration an apprentice jockey shall surrender the apprentice jockey license to the Department. If a license expires during the term of the current licensing cycle the Department shall issue a jockey license at no additional cost.
    - b. An apprentice jockey who has not been licensed previously in any country may claim an allowance in all overnight races except handicaps and stakes as follows:
      - i. Five pounds for one year from the date of the apprentice jockey's fifth winner.
      - ii. If an apprentice jockey has not ridden a total of 40 winners within one year from the date of the apprentice jockey's fifth winner, the Department shall allow the jockey to claim the five-pound allowance for three years from the date of the apprentice jockey's first winner or until the apprentice jockey has ridden a total of 40 winners, whichever comes first.
    - c. The calculation of the time for which an apprentice jockey can claim an allowance shall not include time:
      - i. In the armed forces; or
      - ii. The apprentice jockey is physically incapacitated.
    - d. An apprentice jockey may ride quarter horses, provided that:
      - i. An apprentice jockey shall not claim an apprentice jockey weight allowance in the race; and
      - ii. The Department does not consider a winner in the race for the purpose of computing the expiration of the right to claim an apprentice jockey allowance.
  - E. Prohibited acts.**
    - 1. A jockey shall not fail or refuse to fulfill an engagement for a race or for a specified time unless:
      - a. The race or race card is canceled; or
      - b. A steward excuses the jockey.
    - 2. A jockey shall not own, either in whole or in part, a horse registered for racing at a track where the jockey is riding.
    - 3. A jockey shall not engage in any pari-mutuel wagering transaction except through the owner of and on the horse that the jockey rides.
    - 4. A jockey attendant, jockey valet, or any licensee employed inside a jockey room shall not place a bet for themselves or for another person during the time that they are acting under the authority of their license.
    - 5. A jockey shall not ride against a horse trained by the jockey's spouse except as part of an entry.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended effective March 20, 1990 (Supp. 90-1). R19-2-109 recodified from R4-27-109 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 812, effective February 24, 1999 (Supp. 99-1). Amended by final rulemaking at 10 A.A.R. 717, effective April 3, 2004 (Supp. 04-1).

**R19-2-110. Jockey Agents**

- A.** A jockey agent shall be accompanied by the jockey such jockey agent will represent when applying for a jockey agent's license.
- B.** A jockey agent shall not contract riding engagements for more than two jockeys and one apprentice jockey at the same time.
- C.** Only one fee shall be charged for a jockey agent's license.
- D.** A jockey agent may change a rider with the permission of the stewards.
- E.** A jockey agent shall not work in any other capacity at the track where such jockey agent is licensed.
- F.** A jockey agent may enter horses if such jockey agent has the permission of the horse's trainer.
- G.** Riding engagements shall be made only by a jockey or by such jockey's jockey agent.
- H.** A jockey agent shall not communicate with the jockey such jockey agent represents during racing hours. A jockey agent shall notify the jockey such jockey agent represents of late riding engagements through the stewards or designated official.
- I.** A jockey may act as such jockey's own agent. If such jockey chooses to do so:
  - 1. The jockey shall notify the stewards of such jockey's intention to represent him- or herself.
  - 2. The jockey shall comply with all rules governing jockey agents.
  - 3. The jockey is not required to obtain a jockey agent's license.
- J.** When a jockey or such jockey's jockey agent wishes to terminate the agent agreement, the jockey and the jockey agent shall appear together before the stewards to advise them that their agreement has been terminated.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended effective March 20, 1990 (Supp. 90-1). R19-2-110 recodified from R4-27-110 (Supp. 95-1).

**R19-2-111. Trainers**

- A.** Trainers shall be obligated to know the provisions of the rules governing racing in the state of Arizona.
- B.** Trainers and their employees shall accept the decisions of the stewards on all questions to which their authority extends, sub-

ject to the right of appeal to the Department pursuant to R19-2-123.

- C. Trainers shall be responsible for the condition of horses under their care and are required to protect such horses from acts of other parties.
- D. Trainers shall be responsible for determining that each person employed by them at a licensed track is licensed by the Department and that the owner of each horse which is to be entered by them in any race is licensed by the Department.
  - 1. Trainers shall refuse to act on behalf of any participant at a licensed track if they have reason to believe, in the exercise of reasonable discretion, that such a participant is not licensed by the Department.
  - 2. A trainer shall not start a horse in any race if the trainer has reason to believe that the owner or owners of the horse are not licensed by the Department before the race. A trainer may enter a horse for an unlicensed owner or owners in a race. If there are no horses on the also-eligible list for the race, the owner or owners must be licensed at least one hour before post time of the first race of the day or the trainer shall have the horse scratched. If there are horses on the also-eligible list, a trainer who entered a horse of an owner or owners who remain unlicensed at the designated scratch time for the race, shall have the horse scratched.
  - 3. Trainers shall report the existence of the circumstances set forth in subsections (D)(1) and (2) of this Section to the stewards.
- E. Trainers shall file all registration papers with the racing secretary within 48 hours of their arrival on the grounds of the permittee.
- F. Trainers shall ensure that each of their owners has a set of colors registered in the office of the racing secretary and possessed by the jockey room custodian before a horse is entered in a race if track colors are not in use.
- G. Trainers shall pick up all registration papers and colors at the close of the meeting.
- H. A trainer shall notify the stewards before the transfer of a horse to or from a trainer during a meeting. The stewards shall approve any transfer.
- I. A trainer shall not shoe a horse that is not under the trainer's care except by permission of the stewards.
- J. When a trainer is absent from the grounds where the trainer's horses are racing, the trainer shall provide a substitute licensed trainer to be responsible for the horse or horses. If there is a violation of subsection (C) or R19-2-112(16), the stewards shall determine whether the absent or substitute trainer is responsible. No provision of these rules relieves an absent trainer of responsibility or limits the absent trainer's responsibility under subsection (C). Both the absent and substitute trainers shall sign a "Trainers' Responsibility Form" provided by the Department and be approved by a steward.
- K. A trainer shall not have an ownership interest in a horse unless the trainer trains the horse and the horse is located at the track where the trainer trains. For purposes of this rule, a reversionary interest created by an agreement transferring control of a horse is not an ownership interest.
- L. A trainer may employ an assistant trainer with the approval of the stewards. An assistant trainer shall comply with all requirements for a trainer prescribed by this Section and shall be responsible for all horses under the assistant trainer's care.

#### Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).  
Amended subsection (D) paragraph (2) effective February 7, 1984 (Supp. 84-1). Amended effective March 20, 1990 (Supp. 90-1). R19-2-111 recodified from R4-27-111

(Supp. 95-1). Amended by final rulemaking at 10 A.A.R. 717, effective April 3, 2004 (Supp. 04-1).

#### R19-2-112. Prohibited Acts

Generally:

1. A licensee shall not enter, or cause or permit to be entered, or start a horse a licensee knows or has reason to believe should be disqualified.
2. A veterinarian or plater, licensed to practice on a track under the jurisdiction of the Department, shall not own, lease, or train horses racing at the track on which they practice.
3. A person shall not participate in an unauthorized race on a track while a racing meeting is in progress.
4. A person shall not offer or receive money or other consideration for declaring an entry out of a purse or stakes race.
5. A person shall not possess, within the grounds of any permittee, an electrical, mechanical, or other device, other than ordinary equipment, which may be used to affect the speed or racing condition of a horse. Possession includes, but is not limited to, possession:
  - a. On the person;
  - b. In living or sleeping quarters;
  - c. In an assigned stall, tack room, or other area;
  - d. In a motor vehicle or trailer.
6. Other than a physician or veterinarian licensed by the Department, a person shall not possess, within the grounds of any permittee, any foreign or prohibited substance, injectable vial, hypodermic needle, syringe, or any other instrument which might be used for injection, without written permission of the stewards. Possession includes, but is not limited, to possession:
  - a. On the person;
  - b. In living or sleeping quarters;
  - c. In an assigned stall, tack room, or other area;
  - d. In a motor vehicle or trailer.
7. A licensee listed in A.R.S. § 5-104(F) shall not apply, inject, inhale, ingest, or use any prohibited substance while on permittee grounds, unless, upon the request of a steward, the licensee can produce evidence that the possession or use of a prohibited substance is legitimized by a lawfully issued prescription.
8. A jockey, apprentice jockey, exercise rider, or pony rider shall not consume intoxicating liquor on a race day, prior to completing riding commitments for the day.
9. A licensee or race track employee shall not accept, either directly or indirectly, a bribe, gift, or gratuity in any form which is intended to or might influence the results of a race or the conduct of a racing meeting.
10. A licensee, while on the premises of the permittee, shall not create a disturbance, be intoxicated, interfere with a racing operation, or act in an abusive or threatening manner to a racing official or other person.
11. Only veterinarians licensed by the Department shall administer to or prescribe for horses on the premises of any permittee.
  - a. A licensed veterinarian shall maintain a written record of the name, date, and amount of any drugs or treatments prescribed or administered at the track.
  - b. Notwithstanding the provisions of subsection (11) of this rule, any veterinarian may treat a horse if an emergency involving the life or health of such horse exists.
12. Notwithstanding the provisions of subsection (16) of this Section, a person shall not administer or cause to be administered a foreign substance, internally or externally,

- to a horse entered in a race, prior to the race on the calendar day in which the horse is to run, except that:
- a. With permission of the Department veterinarian, a licensed veterinarian may administer furosemide or conjugated estrogens on the day of the race to control exercise-induced pulmonary hemorrhage, subject to the restrictions prescribed in R19-2-121(P)(5), (6), and (7). The Department veterinarian shall place these horses on the lasix list. The Department veterinarian shall grant permission for placement of a horse on the lasix list if a veterinarian licensed by the Department determines that a horse suffers from exercise-induced pulmonary hemorrhage or a racing regulatory agency has placed the horse on a bleeders' list at a track outside of Arizona.
  - b. A person shall not administer furosemide within four hours prior to post time of a race in which the horse is run.
  - c. A permittee shall clearly identify horses given furosemide on the program or on a list located in areas where mutuel tickets are sold.
13. The Commission has established permissible trace levels of the following foreign substances, as defined in R19-2-102(15).
    - a. The trace level of Phenylbutazone shall not exceed 5 micrograms per milliliter of plasma of the horse.
    - b. The trace level of Oxyphenbutazone shall not exceed 5 micrograms per milliliter of plasma of the horse.
  14. A person shall not participate in the nerving of a horse intended to be entered in a race at a track within the state of Arizona.
    - a. Registration papers will not be accepted on nerved horses.
    - b. A person shall not enter a nerved horse in a race.
    - c. A person shall not race a horse which is desensitized by the application of cold, chemical, or mechanical freezing devices at the time of arrival at the receiving barn or saddling paddock.
  15. Test samples
    - a. Animal testing
      - i. A steward or Department veterinarian may subject an entry in a race to saliva, urine, blood, or other tests for the purpose of finding foreign substances.
      - ii. Persons approved by the Department shall take samples of saliva, urine, blood, or other substances.
      - iii. A steward may authorize the splitting of any sample.
      - iv. A Department veterinarian may require blood, urine, or saliva samples to be stored in a frozen state for future analysis.
      - v. The owner, trainer, or their representative may be present at all times during the taking and sealing of such tests and samples.
      - vi. The owner, trainer, or representatives of either shall sign documents evidencing the procedure.
      - vii. A person shall not interfere with the collection or procedures conducted under this rule.
    - b. Human testing
      - i. As set forth in A.R.S. § 5-104(C) and R19-2-112(8) and (10), a licensee shall immediately submit to blood, urine, breath, or other tests ordered by the stewards, if the stewards have reason to believe the licensee is under the influence of or in possession of any prohibited substance or has consumed alcohol in violation of subsection (8) or (10) of this Section.
      - ii. A licensee shall provide a test sample in the presence of a steward or the steward's designee, submitted in a container furnished by the Department and immediately sealed by the steward or steward's designee in the presence of the licensee being tested.
      - iii. The steward or steward's designee shall mark the container with the following items: sample identification number; time, date, and location where the sample was given; and the signature of Department personnel sealing the container.
      - iv. The steward or steward's designee shall submit the container to a Department-approved laboratory for analysis.
      - v. If laboratory analysis indicates the positive presence of any prohibited substance or alcohol in the tested licensee's sample, the licensee may be subject to license suspension or revocation or civil penalties, as set forth in R19-2-121(E)(3)(f) and A.R.S. § 5-108.05(A).
      - vi. Test results and information obtained during the testing process are accessible only to members of the Commission, the Director or designees of the Director, and the tested licensee. The Department shall keep the information in a locked, secured area of the Department office.
      - vii. The steward's or designee's compliance with these rules constitutes prima facie evidence that the chain of custody of the test samples is secure. The presiding officer in an administrative proceeding of the Department or Commission shall admit the results of such tests.
  16. The trainer, groom, and any other person charged with the custody and care of a horse is required to protect and guard the horse against the administration, either internally or externally, of any foreign substance. A positive test indicating the presence of a foreign substance (except as set forth in subsections (12) and (13) of this Section) creates the presumption of failure to meet the duty imposed by this rule.
  17. The owner of a horse disqualified in a race because of an infraction of these rules shall forfeit and return the purse or stakes, the trophy received from the race, and the entry or subscription money.
    - a. The stewards shall distribute winnings forfeited pursuant to this subsection among the remaining entitled entries in the race.
    - b. The stewards shall disqualify and may declare a horse unplaced for every purpose except pari-mutuel wagering if the chemical analysis performed pursuant to subsection (15)(a) of this Section indicates the presence of a foreign substance classified as Class 1 or Class 2 under the Association of Racing Commissioners International, Inc., February 14, 1995, Uniform Classification Guidelines for Foreign Substances incorporated by reference, on file with the Office of the Secretary of State, and not including any later amendments or editions.
    - c. The stewards may disqualify and declare a horse unplaced for every purpose except pari-mutuel wagering if the chemical analysis performed pursuant to subsection (15)(a) of this Section indicates the

- presence of a foreign substance classified as Class 3, Class 4, or Class 5 under the Association of Racing Commissioners International, Inc., February 14, 1995, Uniform Classification Guidelines for Foreign Substances incorporated by reference, on file with the Office of the Secretary of State, and not including any later amendments or editions.
- d. The stewards may disqualify and declare a horse unplaced for every purpose except pari-mutuel wagering if the chemical analysis performed pursuant to subsection (15)(a) of this Section shows that a horse on the lasix list raced without the medication described in subsection (12) of this Section, or that the plasma of the horse contained trace levels of medication in excess of the level permitted by subsection (13) of this Section.
  - e. The Department veterinarian shall review all reports indicating the presence of a foreign substance and consult with the stewards prior to the initiation of disciplinary action. When a report indicates the presence of a substance classified as Class 3, Class 4, or Class 5, the Department veterinarian's review shall specifically address trace-level detection to prevent the initiation of disciplinary action based upon pharmacologically insignificant traces of a substance.
18. The Department may suspend the license of a licensee who refuses to make a payment for financial obligation incurred in connection with racing in this state.

#### Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).  
Amended paragraphs (10) and (11) effective June 6, 1986 (Supp. 86-3). Amended paragraphs (10) and (11) effective August 3, 1987 (Supp. 87-3). Amended effective November 30, 1988 (Supp. 88-4). Amended effective March 20, 1990 (Supp. 90-1). R19-2-112 recodified from R4-27-112 (Supp. 95-1). Amended effective January 12, 1996 (Supp. 96-1).

#### R19-2-113. Entries and Subscriptions

##### A. Entry.

1. An owner or trainer shall not register a horse for racing under these rules unless the horse is registered by the Jockey Club, American Quarter Horse Association, Arabian Horse Club Registry of America, Inc., Appaloosa Horse Club Inc., American Paint Horse Association, American Donkey and Mule Society, or American Mule Association.
  2. An owner or trainer shall list each person with an ownership interest in a horse on the back of the horse's registration papers.
  3. An owner, trainer, or their authorized agent may enter a horse in person, by telephone, by telegram, or in writing.
  4. The stewards shall consider a horse entered for a purse a "starting horse" unless they declare the horse out of the race.
  5. A person nominating a horse in a stakes race shall write the person's full name, mailing address, and telephone number on the nomination form.
  6. A person shall not enter a horse in more than one race in one day.
  7. An owner shall not transfer a horse to a new trainer after entry.
  8. An owner shall not enter a horse if the horse's performance records for the preceding calendar year are not printed in the Daily Racing Form Monthly Chart Book, unless the owner provides the horse's performance records to the racing secretary prior to entry.
9. An owner or trainer shall sign and certify a horse's performance record and shall include the following information for the horse's last four races in the record;
    - a. Where and when the horse raced;
    - b. The distance, the weight carried, and the amount earned.
    - c. The finishing position and time of the race.
  10. The second half of an entry has no preference over a single entry except in stakes, handicaps, and qualifying races.
  11. An owner entering two or more horses in a race shall indicate the owner's preference for the horse that is to start if the race overfills. A horse excluded because a race overfills receives no consideration.
  12. Two or more horses that are entered in a race may be uncoupled for wagering purposes in stakes, handicaps, futurities, and maturities if approved by the stewards and:
    - a. Both horses are owned, in whole or in part, by the same person; or
    - b. Both horses are trained by a trainer who owns an interest in one of the horses.
  13. In a race in which spouses who are both licensed trainers have entered horses, the trainers are not required to list an overfill preference unless there is common ownership of the horses entered.
  14. The racing secretary shall decide whether to use an "also-eligible" list for any meeting.
    - a. The racing secretary shall determine the number of "also-eligibles" if the entries of a race exceed the capacity of the starting gate.
    - b. If the number of entries to a race exceeds the number of horses permitted to start, the racing secretary shall determine the starters by lot in a drawing supervised by a steward and witnessed by those making entries. If any of the starters declare out, the racing secretary shall draw, by lot from the "also-eligible" list, the number of horses needed to fill the vacancies in the race.
    - c. The racing secretary shall assign horses, other than quarter horses, that gain a position in a race from the "also-eligible" list, to the outside post positions in the order in which they are drawn from the list. The racing secretary shall assign a quarter horse to the stall of a horse that is declared out.
    - d. If a horse on the "also-eligible" list does not start because of insufficient declarations, the racing secretary shall place the horse on the preferred list. The racing secretary shall not place a horse on the preferred list if the owner does not accept the opportunity to start the horse.
    - e. A horse whose owner, trainer, or authorized agent has drawn its position in a race and entered it again for the next race day is called an "in today horse."
      - i. If a race in which a horse is entered overfills, the racing secretary shall not consider the "in today horse" except in cases where the conditions read "Arizona Breds Preferred," stakes, and handicaps.
      - ii. The racing secretary shall not consider a horse on the "also-eligible" list as an "in today horse" until it has been given a position in a race or an opportunity to run.
    - f. At tracks where entries are taken two or more days ahead of the date of the race, an owner, trainer, or

authorized agent may re-enter a horse on the next date if it has been placed on the "also-eligible" list. If it is drawn into a race from its position on the "also-eligible" list, the horse shall be declared an "in today horse" and be withdrawn from the race the following day in favor of a horse on the "also-eligible" list of that race.

15. A person shall make a claim of preference at the time of entry by noting it on the entry blank or the preference will be lost.
  - a. When a horse has been entered in a race, a person shall withdraw a horse only with permission of the stewards.
  - b. The racing secretary shall post a copy of the preferred list each afternoon, and any person making a claim of error shall do so by 10:00 a.m. of the following day. The stewards shall not recognize a claim of error made after this time.
16. If an owner or trainer does not declare a horse from the "also-eligible" list by the prescribed time, the racing secretary shall consider the owner or trainer willing to start the horse if another horse is scratched from the race. The racing secretary shall not place a horse on the preferred list if the owner does not accept the opportunity to start the horse.
17. A person shall not alter an entry after the closing of entries. The racing secretary may correct an error in an entry at any time.
18. If the name of a horse is changed, the racing secretary shall publish the new name and the former name in the official entries for the horse's first three starts after the name change. If the name of an Arizona-bred horse is changed, the racing secretary shall report it to the Department in writing within 30 days, listing the new name and the former name.

**B. Conditions for entry.**

1. A person shall not enter a horse in a race unless its certificate of foal registration, certificate of foreign registration, or racing permit is on file in the racing office of the track at which the horse is to race, or unless permission is granted by the stewards. Foal certificates, which are registered with the racing secretary and are in transit between that office and the American Quarter Horse Association because of a transfer of ownership, are considered to be in the possession of the racing secretary.
2. A horse that has reached its 14th birthday is ineligible to race in Arizona.
3. The stewards shall not permit a horse to run for a purse or stakes unless it is entered in a race and is eligible for the race.
4. The stewards may summon a person in whose name a horse is entered to produce proof that the horse entered is not the property, either in whole or in part, of a person who is disqualified, or to produce proof of the extent of a person's interest in the horse. Failure to produce satisfactory proof shall result in the stewards declaring the horse out of the race if the stewards determine that it is necessary to protect the public peace, safety, or welfare.
5. A horse is not qualified for entry if it is on the stewards', paddock judge's, starter's, or veterinarian's list, or if it has been ruled off.
6. The racing secretary shall consider the performance record of a horse racing on the county fair circuit to determine its eligibility at a commercial meet. A county fair racing secretary shall place a county fair win on the back of the foal certificate.

7. The owner, trainer, or authorized agent shall ensure that a horse that has not started within 45 days has one official workout before starting at a commercial meet.

**C. Starts.**

1. A person shall not start a horse in a race unless it is fully identified and tattooed, or otherwise authorized by the stewards. A person who participates in any manner in establishing the identity of a horse, including the breeder, owner, trainer, and identifier, is responsible for the accuracy of the information the person provides.
2. An owner, trainer, or authorized agent shall not start a horse in a race until all stakes, forfeits, entry fees, and arrears due on the horse have been paid.
3. The racing secretary shall not permit a horse to start in a stakes race unless it has passed the entry box on the day on which entries for the stakes race are taken.
4. An owner, trainer, or authorized agent shall not start a horse in a race unless all persons having an ownership interest in the horse or an interest in the winnings of the horse have registered with the racing secretary.
5. The racing secretary shall post the saddle-cloth numbers of the horses in a race after overnight entries are closed and post positions are drawn. If a horse with an assigned saddle-cloth number does not start or run the course, the stewards may require an explanation from the owner, trainer, or jockey.

**D. Fees.**

1. The entrance to a purse race is free unless otherwise stipulated in the conditions of the race. If the conditions require an entrance fee, the fee is paid at the time of entry.
2. The person entering a horse is liable for nominating, sustaining, and starting fees. The subscriber or subscriber's transferee are not entitled to a refund in the event of horse death, withdrawal, or mistake in a horse's entry if the horse is eligible, except as provided in subsection (D)(3).
3. The permittee shall not refund entrance money for a purse race that is run if a horse fails to start or dies unless otherwise provided in the conditions of the race.
4. The permittee shall distribute the entrance money, starting, and subscription fees, as provided in the conditions of the race. If a race is not run, the permittee shall refund all stakes or entrance money.
5. The death of a nominator or subscriber does not void an entry, subscription, or right of entry.
6. A person shall not transfer a horse to an owner or trainer to avoid disqualification. The person making or receiving such a transfer may be fined and suspended.

**E. Closing.**

1. The racing secretary shall close the entries for purse races at the time advertised in the condition book and shall not receive an entry after that time. If a race fails to fill, additional time may be granted by the stewards.
2. In the absence of notice to the contrary by the permittee, nominations for stakes which close during or on the eve of a racing meeting close at the office of the racing secretary at the published time.
3. The racing secretary shall not receive entries and declarations for stakes after the designated closing time.
4. The racing secretary shall not accept an entry after a race has been drawn even though the number of horses on the "also-eligible" list is insufficient to provide a full field.
5. The racing secretary shall consider a horse, withdrawn from a race after the overnight entries are closed, a scratch. The scratched horse loses all of its accrued preferences up to that date unless it is excused by the stewards.

**F. Declarations.**

1. An owner, trainer, or authorized agent shall declare a horse from a stakes, handicap, or qualifying race in writing no later than one hour prior to post time of the race.
2. The racing secretary shall not give preference to a horse which is declared from the "also-eligible" list of a race for having entered in that race. The horse may retain the position it previously held on the preferred list if a full field is left in the race at scratch time.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4). Amended effective March 20, 1990 (Supp. 90-1). Age reference to "16th birthday" in subsection (B)(2) corrected to read "6th birthday" (Supp. 93-1). R19-2-113 recodified from R4-27-113 (Supp. 95-1). Amended effective April 7, 1995 (Supp. 95-2). Amended effective March 7, 1996 (Supp. 96-1). Amended by final rulemaking at 10 A.A.R. 717, effective April 3, 2004 (Supp. 04-1).

**R19-2-114. Penalties and Allowances**

- A.** Eligibility, penalties, and allowances of weight for all races shall be determined after consideration of the reports, records, and statistics published by the Daily Racing Form and by other racing statistical publications. Responsibility for weight carried and for eligibility shall remain with the owner and trainer.
- B.** Penalties and allowances shall not be cumulative unless so declared by the conditions of the race. They shall take effect at the time of starting; provided, however, that in overnight events a horse shall have only the allowance to which it was entitled at the time of entry.
- C.** Penalties shall be obligatory. Allowances shall be optional in whole or in part. In overnight events, allowances must be claimed at the time of entry.
- D.** Failure to claim a weight allowance by overnight omission shall not be a cause for disqualification. A claim of weight allowance to which a horse is not entitled shall not be a cause for disqualification unless such incorrect weight is carried in the race. However, a fine may be imposed upon the person claiming allowance to which such person's horse is not entitled.
- E.** A horse shall not receive an allowance of weight or be relieved from extra weight as a result of having lost one or more races. This rule does not prohibit a maiden allowance or an allowance to a horse that has not won a race within a specified period or a race of a specified value.
- F.** No horse shall incur a weight penalty for a placement from which it is disqualified, but a horse placed through disqualification of another horse shall incur the weight penalties of that placement. No such placement shall make a horse ineligible for a race which has already been run.
- G.** When a race is in dispute, both the horse that finished first and any horse claiming the race shall be liable to all penalties attaching to the winner of that race until the matter is decided.
- H.** Horses which have started for a claiming price in optional or combination races shall be considered to have started in a claiming race.
- I.** Races written to be run under "scale weights" or "weights for age" shall be run under the scale approved by the Department.
- J.** In races of intermediate length, the weights for the shorter distances shall be carried.
- K.** In all races except handicap races and races in which conditions expressly provide otherwise:
  1. Two-year-old fillies are allowed three pounds.
  2. Fillies and mares 3 years old and older are allowed five pounds before the first of September and three pounds thereafter.

3. The provisions of subsections (K)(1) and (2) of this Section shall not apply to quarter horse fillies and mares.

**L. The racing secretary may write races either above or below the scale, in the racing secretary's discretion; provided that:**

1. Not more than 10 pounds shall be deducted from the scale of weights for age with the exception of allowances in overnight races.
2. The total allowances of any type shall not reduce the lowest weights below 100 pounds in any race.
3. The provisions of subsection (L)(1) of this Section shall not apply to handicap races.
4. The provisions of subsection (L)(2) of this Section shall not apply to 2-year-olds racing with older horses.

**M. Starter allowance eligibility conditions.**

1. A horse shall have started in a claiming race, or in an optional claiming race to be claimed, in order to establish eligibility in a starter allowance race.
2. In addition to the provisions of subsection (M)(1) of this Section, to be eligible for a starter allowance a horse shall:
  - a. Have started for the claiming price designated in the conditions of the race or have started for a price less than that claiming race.
  - b. Not have won for a price higher than that designated in the conditions of the race since last starting for that price or for less than that price.
  - c. Not have won a race other than a claiming race since last starting for the claiming price designated in the conditions of the race or for less than that price.
3. A horse claimed in a claiming race must subsequently start for a claiming price to establish new eligibility for a starter allowance race.
4. Eligibility for a starter allowance race remains unchanged following a private sale.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4). Amended effective March 20, 1990 (Supp. 90-1). R19-2-114 recodified from R4-27-114 (Supp. 95-1). Amended by final rulemaking at 10 A.A.R. 717, effective April 3, 2004 (Supp. 04-1).

**R19-2-115. Claiming Races: Eligibility for Claiming**

In claiming races, any horse is subject to a claim for its entered price by any licensed owner of a horse duly registered for racing at the track, such owner's licensed authorized agent, or the holder of a claiming authorization issued by the stewards.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4). Amended subsection (A) effective December 5, 1985 (Supp. 85-6). Amended effective March 20, 1990 (Supp. 90-1). Former Section R4-27-115 renumbered to R4-27-115, R4-27-115.02 through R4-27-115.07, and R4-27-115.09; new Section R4-27-115 renumbered from R4-27-115(A)(1) through (5) and (B) and amended effective September 8, 1992 (Supp. 92-3). R19-2-115 recodified from R4-27-115 (Supp. 95-1).

**R19-2-115.01. Claiming Races: Duration of Race Meetings**

For purposes of R19-2-115 through R19-2-115.10:

1. A commercial meeting includes county fair dates which may be run at the commercial track before, during, or after the commercial meeting.
2. A county fair meeting includes the entire county fair circuit, spring and fall.

**Historical Note**

Adopted effective September 8, 1992 (Supp. 92-3). R19-

2-115.01 recodified from R4-27-115.01 (Supp. 95-1).

**R19-2-115.02. Claiming Races: Steward Claiming Authorization**

- A. The following persons may apply to the stewards for claiming authorization:
1. A licensed owner whose last horse has been lost by claim, death, or career-ending injury during a commercial or county fair meeting.
  2. A person licensed in partnership or other form of multiple ownership wanting to claim a horse in sole ownership, or currently licensed persons wanting to join in a multiple ownership venture. A licensed owner may not be a party to more than one stable name or use his or her legal name for racing purposes if already registered in a stable name.
  3. A licensed owner whose horse is not participating at an Arizona track during the current Arizona licensing cycle.
  4. A person making application for an owner's license who intends to obtain his or her first horse through claiming.
    - a. At least seven days prior to entering a claim, the applicant shall submit to the Department a completed owner's license application and fingerprint card, the owner's license fee, and evidence of current employment or other indication of financial responsibility. In addition, an applicant with previous pari-mutuel racing participation shall submit documentation that the applicant is in no way disqualified in this or any other jurisdiction.
    - b. Upon determination that an applicant has met all requirements for an owner's license, except the requirement of horse ownership, claiming authorization may be granted and claiming credentials may be issued.
    - c. Upon the successful claim of a horse, the owner's license shall be issued.
- B. A person applying for authorization pursuant to this rule shall submit written acknowledgment that a licensed trainer shall assume care and responsibility for any horse claimed.
- C. A person who claims a horse through authorization obtained under this rule shall start the claimed horse back pursuant to R19-2-115 through R19-2-115.10 before claiming again in his or her own name or in partnership.
- D. Claiming authorization obtained pursuant to this rule shall be valid for six months or until the authorized person successfully claims a horse, which occurs first.

**Historical Note**

Section R4-27-115.02 renumbered from R4-27-115(A)(6)(a), (b), and (d), (C)(3), (4), (6)(c)(i) and (ii), (10)(a) and (12) and amended effective September 8, 1992 (Supp. 92-3). R19-2-115.02 recodified from R4-27-115.02 (Supp. 95-1).

**R19-2-115.03. Claiming Races: Claiming Restrictions**

- A. An authorized agent, although representing more than one owner, may not submit more than one claim in any one race, or claim a horse for himself or herself in the capacity of agent.
- B. When a stable consists of horses owned by more than one person and trained by the same trainer, not more than one claim may be entered on behalf of the stable in any one race.
- C. The stewards, at their discretion, may require any person making a claim for a horse to provide written affidavit that he or she is claiming the horse for his or her own account, or as authorized agent, and not for any other person.
- D. A person shall not offer to enter into an agreement to claim or not to claim, or attempt to prevent another person from claiming, any horse in a claiming race. A person shall not attempt to

prevent anyone from running a horse in any race. Owners or trainers running horses in any claiming race shall not make any agreement for the protection of each other's horses.

- E. A person may not enter, or allow to be entered, in a claiming race a horse against which any lien is held, unless, when or before entering the horse, the written consent of the holder of the lien is filed with the clerk or the course or racing secretary.
- F. A person may not claim an ownership interest in a horse after the horse has run in a claiming race in the name of another person who, at the time of the race, had peaceable and undisputed possession of the horse.
- G. A person may not claim his own horse, or cause his own horse to be claimed, directly or indirectly, for his account.
- H. An owner shall not claim any horse in the care and custody of the owner's trainer.

**Historical Note**

Section R4-27-115.03 renumbered from R4-27-115(C)(1), (7) and (8), (F)(1), (2), and (3), (G)(1) and (2), (L), (M), and (N) and amended effective September 8, 1992 (Supp. 92-3). R19-2-115.03 recodified from R4-27-115.03 (Supp. 95-1).

**R19-2-115.04. Claiming Races: Delivery of Claimed Horse**

- A. Any horse claimed shall, after the running of the race, be delivered to the claimant. The claimant shall present written authorization from the stewards or their representative to the owner of the horse.
- B. Claimed horses which are sent to the detention area for post-race testing shall be delivered at the detention area. All other claimed horses shall be delivered pursuant to directions from the stewards on a meet-by-meet basis.
- C. The claimant of a horse not known to be designated for testing may require such procedure, provided that physical delivery of the claimed horse has not occurred and that the claimant shall pay testing costs. The original trainer shall maintain responsibility for the condition of the horse.
- D. No person shall refuse to deliver a claimed horse.

**Historical Note**

Section R4-27-115.04 renumbered from R4-27-115(H), (H)(1), (2), (3) and (4), and (I) and amended effective September 8, 1992 (Supp. 92-3). R19-2-115.04 recodified from R4-2-115.04 (Supp. 95-1).

**R19-2-115.05. Claiming Races: Irrevocability of Claim**

Claimants shall not revoke their claims. Title to a claimed horse shall be vested in the successful claimant from the time the horse becomes a starting horse, and such claimant shall become the owner of the horse whether the horse is dead, unsound, or injured during or after the race. For purposes of the race in which a horse is claimed, the claimed horse shall run in the interest of and for the account of the owner for whom claimed.

**Historical Note**

Section R4-27-115.05 renumbered from R4-27-115(C)(10) and (11) and (E) and amended effective September 8, 1992 (Supp. 92-3). R19-2-115.05 recodified from R4-27-115.05 (Supp. 95-1).

**R19-2-115.06. Claiming Races: Claimed Horse Racing and Ownership Restrictions**

- A. If a horse is claimed:
  1. It may not be sold or transferred to anyone wholly or in part, except in a claiming race, for a period of 30 days from the date of claim.
  2. Unless reclaimed, the horse may not be returned to the same stable or under control or management of its former

owner or trainer for a period of 30 days from the day of claim.

3. The horse may not race outside Arizona until the meeting at which it was claimed has closed or for a period of 60 days from the day of the claim, whichever is less, except to fulfill a stakes engagement transferring automatically to the new owner, or when the horse is entered and starts for a claiming price which would cause the horse to become ineligible to be reentered at the track where claimed.

- B. All horses claimed in other states and racing here shall be subject to the conditions of the claiming restrictions in the state where the claim was made.

#### Historical Note

Section R4-27-115.06 renumbered from R4-27-115(J)(1), (2), (3), and (4) and (K) and amended effective September 8, 1992 (Supp. 92-3). Amended effective December 17, 1993 (Supp. 93-4). R19-2-115.06 recodified from R4-27-115.06 (Supp. 95-1). Amended by final rulemaking at 10 A.A.R. 717, effective April 3, 2004 (Supp. 04-1).

#### R19-2-115.07. Claiming Races: Claiming Price and Determination of Winner of Claim

The claiming price of each horse in a claiming race shall be printed on the program, and all claims for the horse shall be for the amount so designated. If more than one claim is filed for the same horse, the disposition of the horse shall be determined by lots under the direction and supervision of one or more of the stewards or their designee.

#### Historical Note

Section R4-27-115.07 renumbered from R4-27-115(C)(9) and (D) and amended effective September 8, 1992 (Supp. 92-3). R19-2-115.07 recodified from R4-27-115.07 (Supp. 95-1).

#### R19-2-115.08. Claiming Races: Responsibility for Determining Sex of Horse

Notwithstanding any designation of sex appearing on the racing program or in any racing publication, the claimant of a horse shall be solely responsible for determining the sex of the horse claimed.

#### Historical Note

Section R4-27-115.08 adopted effective September 8, 1992 (Supp. 92-3). R19-2-115.08 recodified from R4-27-115.08 (Supp. 95-1).

#### R19-2-115.09. Claiming Races: Claiming Procedures

- A. All claims shall be made in writing on a form provided by the permittee. The form shall be properly completed, signed and enclosed in an envelope also provided by the permittee. The envelope shall have no identification marking other than the number of the race for which the claim is being made, and the day, month and year of the race. The envelope shall be sealed and deposited in a time-locked claim box provided for this purpose by the permittee. Money shall not accompany the claim.
- B. All claims shall be deposited in the claim box at least 10 minutes before post time of the race on which the claim is made.
- C. The stewards or their designee shall open the claim envelopes for each race when the horses for the race enter the track on the way from paddock to post. The stewards or their designee shall ascertain from the horsemen's bookkeeper whether the proper credit balance has been established with the permittee.

#### Historical Note

Section R4-27-115.09 renumbered from R4-27-115(C), (C)(2), (5), and (6) and amended effective September 8,

1992 (Supp. 92-3). R19-2-115.09 recodified from R4-27-115.09 (Supp. 95-1).

#### R19-2-115.10. Claiming Races: Disciplinary Action

A person violating any of the provisions of R19-2-115 through R19-2-115.09 shall be subject to discipline by the board of stewards, pursuant to Section R19-2-121(E).

#### Historical Note

Section R4-27-115.10 adopted effective September 8, 1992 (Supp. 92-3). R19-2-115.10 recodified from R4-27-115.10 (Supp. 95-1).

#### R19-2-116. Arizona Bred Eligibility and Breeders' Award Payments

- A. A breeder shall file a notarized certificate affirming eligibility under A.R.S. § 5-113(F), with the Department. The certificate shall include name, color, and sex of the foal; name of the sire; name of the dam; date and location of foaling; The Jockey Club registration number or American Quarter Horse Association number; name, address, and telephone number of the breeder; a statement that the animal is eligible pursuant to A.R.S. § 5-113(F), and that the person shown as the breeder was the owner of the dam at the time of foaling; and such other information as may be required by the Department to determine eligibility and shall be signed by the breeder. The breeder shall submit a copy of The Jockey Club registration papers with certificates for thoroughbreds.
  1. Certification is deemed to occur upon the Department's receipt of the completed certificate.
  2. The horse shall be certified by the Department at the time of the win to be eligible for an award.
- B. A permittee shall recognize any horse for which there is an Arizona Bred Certificate on file with the Department or an association contractor as an Arizona bred horse.
- C. For races that offer a guaranteed purse value of \$50,000 or less, the Department shall make an award based on the total amount earned by the winner, including nominating, sustaining, and starting fees. For races that offer a guaranteed purse value of more than \$50,000, the Department shall not include nominating, sustaining, or starting fees when calculating an award.
- D. The Department shall calculate and pay breeders' awards to eligible breeders.
  1. Definitions
    - a. "Quarterly Breeders' Award" means an amount of money based on the quarterly breeders' award payment factor determined by the Department each fiscal year by October 30.
    - b. "Substitute Breeders' Award" means an amount of money based on a substitute payment factor because of the lack of sufficient money to pay conventional Quarterly Breeders' Awards.
    - c. "Supplemental Breeders' Award" means an amount of money that corrects a shortfall between conventional Quarterly Breeders' Awards and Substitute Breeders' Awards.
    - d. "End-of-year Bonus Award" means an amount of money that may be paid to breeders from available monies that remain in the breeders' award fund after payment of Quarterly Breeders' Awards, Substitute Breeders' Awards and Supplemental Breeders' Awards.
  2. The Department shall pay awards at the end of each fiscal year quarter, provided that the total amount of the awards payments does not exceed the total amount of money



- available in the fund less the amount required to be set aside for contingent liabilities in subsection (D)(8).
3. Quarterly Breeders' Awards. Before October 30 of each year, the Department shall determine a quarterly breeders' award payment factor that will be applied during the entire fiscal year. The payment factor determined by the Department is not subject to appeal.
    - a. The Department shall evaluate anticipated revenues for the breeders' award fund and anticipated purses for eligible Arizona-bred animals and set the payment factor at a level that permits recipients of quarterly breeders' awards to receive awards throughout the fiscal year based on the same payment factor.
    - b. The Department shall notify representatives of each breeders' association of the quarterly breeders' award payment factor in writing before October 30 of each year.
    - c. The Department shall calculate quarterly breeders' awards by multiplying the amount of each purse won by an eligible animal during that quarter by the quarterly breeders' award payment factor established for the fiscal year.
    - d. The Department shall make quarterly breeders' awards not later than 30 days after the end of each quarter, unless full quarterly breeders' awards cannot be made due to the lack of available money in the fund.
  4. Substitute Breeders' Awards. The Department shall make substitute breeders' awards if there are sufficient monies in the fund to allow for an award but not enough monies to provide for full payments of quarterly breeders' awards based on the quarterly breeders' award payment factor.
    - a. The Department shall determine the substitute payment factor by dividing the total amount of monies in the Arizona breeders' award fund at the end of the quarter less the amount required to be set aside for contingent liabilities in subsection (D)(8) by the total amount of purses won by eligible Arizona-bred animals during that quarter.
    - b. The Department shall calculate substitute breeders' awards by multiplying the amount of each purse won by an eligible animal during that quarter by the substitute payment factor for that quarter.
  5. End-of-year bonus pool. After payment of all quarterly breeders' awards and any substitute breeders' awards has been calculated, the Department shall determine the amount of monies remaining in the fund. The end-of-year-bonus pool is the amount of monies remaining in the Arizona breeders' award fund after the payment of all quarterly breeders' awards for the fiscal year less the amount required to be set aside for contingent liabilities in subsection (D)(8).
  6. Supplemental Breeders Awards. The Department shall first pay any monies in the end-of-year bonus pool in the form of supplemental breeders awards to recipients of substitute breeders' awards.
    - a. The Department shall pay supplemental breeders' awards in an amount equal to the difference between the substitute breeders' award and the quarterly breeders' award the breeder would have received if there had been enough in the fund to pay an award based on the quarterly award payment factor.
    - b. In the event the end-of-year bonus pool cannot pay supplemental breeders' awards to make up for the shortfall to all substitute breeders' award recipients, the Department shall pay supplemental breeders' awards to all breeders eligible to receive a supplemental breeders' award on a pro-rata basis.
    - c. A breeder is eligible to receive a supplemental breeders' award from the end-of-year bonus pool only if the breeder received a substitute breeders' award during that fiscal year.
    - d. The Department shall not make supplemental breeders' awards if all eligible breeders received quarterly breeders' awards during the fiscal year.
  7. End-of-year Bonus Awards. The Department shall pay end-of-year bonus awards if monies remain in the end-of-year bonus pool following any supplemental payments.
    - a. The Department shall determine an end-of-year bonus payment factor by dividing the monies in the end-of-year bonus pool by the total amount of purses won by an eligible animal during the fiscal year.
    - b. The Department shall calculate end-of-year bonus awards by multiplying the amount of each purse won by an eligible animal by the bonus payment factor.
  8. Contingent liabilities. The Department shall retain \$10,000 in the Breeders' Award fund for contingent liabilities.
  9. The Department shall not make quarterly breeders' awards, substitute breeders' awards, supplemental breeders' awards or end-of-year bonus breeders' awards if the total amount available for distribution is less than \$10,000. In the event the Department does not pay an award because less than \$10,000 is available for distribution, the Department shall carry forward the amount in the fund for payment of awards when the Department next calculates awards.
  10. Appeal of Director's Rulings
    - a. The Director shall make the final decision concerning a breeders' award.
    - b. The Department shall give written notice of the decision to an applicant by mailing it to the address of record filed with the Department.
    - c. After service of the Director's decision, an aggrieved party may obtain a hearing under A.R.S. §§ 41-1092.03 through 41-1092.11.
    - d. The aggrieved party shall file a notice of appeal with the Department within 30 days after receiving the notice prescribed in R19-2-116(D)(10)(b).
    - e. The Department shall notify the Office of Administrative Hearings, which shall schedule and conduct the hearing.
  - E. The permittees shall submit to the Department an Arizona Breeders' Award Report in the form prescribed by the Department. The report shall include name of the animal, name of the breeder, date of win, win purse amount, type of race, name of track, and such other information as may be required by the Department to calculate awards.
  - F. The Arizona Thoroughbred Breeder's Association, Arizona Quarter Racing Association, Arizona Greyhound Breeder's Association, and such other associations as may represent breeders in this state may assist the Department in periodic reviews of eligibility lists and may provide such other assistance in administering the fund as may be required by the Department.
  - G. At least every other three years the Commission shall select a committee, consisting of representatives of each breeders' association and the Department, which shall review this rule and submit written recommendations to the Commission.

#### Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).

Amended subsection (A) effective December 5, 1985 (Supp. 85-6). Amended subsection (A) and added subsections (D) through (G) effective August 13, 1986 (Supp. 86-4). Amended subsection (D) effective February 19, 1987 (Supp. 87-1). Amended effective March 20, 1990 (Supp. 90-1). R19-2-116 recodified from R4-27-116 (Supp. 95-1). Amended effective January 10, 1997 (Supp. 97-1). Amended effective June 3, 1997 (Supp. 97-2).

#### **R19-2-117. Objections**

- A.** Every objection shall be made by an owner or by such owner's authorized agent, a trainer, or the jockey of some other horse engaged in the same race, or by the officials of the course. Such objection shall be made to the stewards, who may require that the objection be made in writing with a copy thereof sent immediately to the Director.
  1. Any objection to a horse, pertaining to any matter occurring in a race, except as otherwise provided, shall be made before the official numbers of the horse's place in the race are posted on the odds board.
  2. Any objection to a horse that has run in a race on the grounds that it was not trained by a licensed trainer, or ridden by a licensed jockey, or that the names of all those having ownership in it or an interest in its winnings have not been registered with the secretary shall be made not later than the day after that upon which the race was run.
  3. Any objection on the grounds of fraudulent or intentional misstatement or omission in the entry under which a horse has run, or on the grounds that the horse which ran was not the horse it was represented to be in the entry or at the time of the race, or was not of the age it was represented to be shall be received within three days after the race.
- B.** Every objection, unless otherwise provided, shall be made within 72 hours after the race is run and shall be determined by the stewards.
- C.** Pending the determination of an objection, any money or prize which the horse objected to may have won, or may win in the race, shall be withheld until the objection is determined, and any sum payable to the owner of the horse objected to shall be paid to the horsemen's book keeper and held for the person who may be determined to be entitled to it.
- D.** Pending the disposition by the stewards, Department, or Commission of any question, both the horse which finished first and any horse which has claimed to be the winner of the race shall be liable to all the penalties attaching to the winner of that race until the matter is decided.
- E.** If an objection to a horse which has won or been placed in a race is declared valid, that horse may be disqualified in the place in which he finished and replaced at the discretion of the stewards.
- F.** The stewards shall have the power at any time, whether or not an objection has been made, to order an examination by such person or persons as they deem fit as to the age of any horse entered for a race, or which has run a race and shall withhold any money the horse may have won until such examination is made. If the horse is declared of wrong age, the expense of such examination shall be paid by the owner.
- G.** No person shall lodge an unsubstantiated objection with the stewards.
- H.** The stewards may require a cash deposit of \$200 to cover costs and expenses in determining an objection. The deposit posted herein may be forfeited if the objection should prove to be without foundation.
- I.** Every objection which is not decided by the stewards during the meeting shall be filed in writing with the Director.

- J.** Permission of the stewards shall be necessary before an objection may be withdrawn.

#### **Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4). Amended effective March 20, 1990 (Supp. 90-1). Section number corrected (Supp. 93-1). R19-2-117 recodified from R4-27-117 (Supp. 95-1).

#### **R19-2-118. Scale of Weights for Age**

##### **Generally:**

1. For thoroughbreds in races exclusively for 3-year-olds and up, the weight is 118 to 124 pounds; for 2-year-olds, the weight is 117 to 120 pounds.
2. For quarter horses in races exclusively for 3-year-olds or 4-year-olds, the weight is 126 pounds; and in races exclusively for 2-year-olds, it is 120 to 122 pounds.

#### **Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4). Amended effective March 20, 1990 (Supp. 90-1). Section number corrected (Supp. 93-1). R19-2-118 recodified from R4-27-118 (Supp. 95-1).

#### **R19-2-119. Rules of the Race and Winnings**

##### **A. Generally**

1. All track rules shall be posted conspicuously and a copy of said rules shall be filed with the Department.
2. All races shall be off at a regular interval. Post times shall be based upon the number of races run daily. The intervals shall be set by the permittee with the approval of the stewards.
3. No purse monies earned by a horse shall be paid to anyone except the horse's registered owners or their authorized agents.
4. In a stakes race which is a walkover, unless otherwise specified in the conditions, the entry which appears for the race may walk over the course and be declared the winner. Such a winner shall be entitled to the entire stakes and to the winning percentage of the purse.

##### **B. Pre-race activity**

1. The number on the saddle cloth of a horse shall correspond with its number on the daily program.
2. All horses shall parade and shall carry their weight from the paddock to the starting post.
3. If a horse is led to the post with permission of the paddock judge, it carries its weight and shall pass the stewards' stand on its way to the post.
4. After the horses are ordered to the starting post and until the stewards direct the track gates to be reopened, all persons except licensees designated by the stewards shall be excluded from the track.
5. After the horses have entered the track, not more than 12 minutes shall elapse during the parade of the horses to the post, except with the approval of the stewards.
6. After passing the stand once, the horses will be allowed to break formation, canter, warm up, or move in any other manner until they are within 100 yards of the post.

##### **C. Races**

1. All races shall be started by a starting gate approved by the Department.
  - a. A race may be started without a stall gate or a gate with the doors open may be used in case of necessity and with the permission of the stewards.
  - b. If a race is started without a stall gate, there shall be no start until, and no recall after, a starter's assistant has dropped his flag in response to the order of the official starter.

2. In the event of unavoidable delay in the starting of a race, the starter shall instruct the riders to dismount and to lead their horses.
  3. When a horse, during the post parade, is deemed unfit to start or is injured by an accident in the gate, it may be excused by the stewards. Such a horse shall not be considered to have started in the race.
  4. When a horse misbehaves in the gate and thereby unduly delays the start of a race, it may be excused by the starter and the stewards. Such a horse shall not be considered to have started in the race, but it shall be penalized by being put on the schooling list. Its entry in future races will be refused for a period of time to be determined by the starter, with the approval of the stewards.
  5. No race shall be run when it is so dark that the horses cannot be plainly seen from the stand by the judges or stewards.
  6. Every horse in a race is entitled to racing room and shall not be deliberately pocketed and, in a straightaway race, each horse shall maintain the position in the lane in which it starts as nearly as possible.
  7. If a horse is ridden or drifts out of its lane in such a manner that it interferes with or impedes another horse in any way, a foul has been committed. The offending horse may be disqualified if the outcome of the race is affected by the foul and replaced at the discretion of the stewards in a manner as to correct the effect of the interference as nearly as possible. The provisions of this subsection shall apply to fouls caused by the horse or the jockey and fouls caused either carelessly or purposefully.
    - a. In the event of disqualification of any part of an entry, it shall be at the discretion of the stewards as to whether such disqualification shall extend to all or any part of the entry.
    - b. If the stewards rule that the foul referred to in subsection (C)(7) of this Section was caused by the horse, despite the obvious efforts of the jockey to maintain position in its lane, the jockey shall not be penalized.
    - c. If the stewards rule that the foul referred to in subsection (C)(7) of this Section was caused by the jockey's failing to attempt to prevent the foul or willfully riding the horse out of its lane, the jockey shall be penalized.
  8. In a race run around a turn, a horse which is in the clear may be taken to any part of the track. Weaving back and forth in front of another horse may be considered interference or intimidation and may be penalized.
  9. A jockey shall not cause such jockey's horse to shorten stride with a view to complaint. If the stewards decide that an intentional foul was committed in the riding of a race or that any jockey was instructed or induced to ride in such a manner, all persons guilty of complicity shall be suspended.
  10. When a horse is disqualified by the stewards under these rules, every horse in the race belonging wholly or in part to the same owner, or under the management of the same trainer, may be disqualified and replaced upon a finding of good cause by the stewards.
  11. A horse shall be ridden across the finish line carrying its assigned weight in order to participate in the purse distribution of the race unless the nomination blank states otherwise.
  12. No whip shall be carried on any 2-year-old in a race on the straightaway before March 1. After March 1, following satisfactory performance out of the gate with a whip and with the approval of the starter, a whip may be carried in such a race.
  13. No owner, trainer, handler, or jockey shall attempt to prevent his horse from running its best and winning.
- D. Dead heats**
1. When a race results in a dead heat, the heat shall not be run off.
  2. If a race results in a dead heat, all prizes to which the horses finishing in the dead heat would have been entitled shall be divided equally between them.
  3. When a dead heat is run for second place, and an objection is made and sustained to the winner of the race, the horses which ran the dead heat shall be deemed to have run a dead heat for first place.
  4. If the dividing owners cannot agree as to which of them is to have a cup or other prize which cannot be divided, the question shall be determined by lot by the permittee.
  5. Each horse that runs a dead heat for a race or place shall be deemed a winner of that race or place and shall be liable as such winner for any penalty or disability attaching to the same.
- E. Winnings or wins**
1. Winnings shall include all prizes and wins up to the time appointed for the start and shall apply to all races in any country; provided that in county fair race meets not having an "also-eligible" list, winnings shall include all prizes and wins up to the time of entry. Maiden races at County Fair Race Meets shall be an exception to this rule.
  2. Winnings shall include walking over or receiving forfeit but shall not include second and third money or the value of any prize not of money or not paid in money.
  3. Winnings during the year shall be computed from the preceding January 1.
  4. Winner of a certain sum shall mean winner of a single race of that value unless otherwise expressed in the conditions.
  5. In estimating the net value of a race to the winner, all sums contributed by its owner or nominator shall be deducted from the amount won.
  6. Winners or losers of steeplechases, hurdle races, thoroughbred races, or mixed quarter horse races shall be considered winners or losers on the flat, and winners or losers on the flat shall be considered winners or losers of steeplechases, hurdle races, thoroughbred races, or mixed quarter horse races.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
Amended effective March 20, 1990 (Supp. 90-1). Section number corrected (Supp. 93-1). R19-2-119 recodified from R4-27-119 (Supp. 95-1).

**R19-2-120. Repealed****Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
Amended by adding subsection (O) effective November 23, 1983 (Supp. 83-6). Amended by adding subsection (P) effective January 24, 1985 (Supp. 85-1). Amended by adding subsections (Q) and (R) effective September 24, 1986 (Supp. 86-5). Amended by adding subsections (S), (T), (U) and (V) effective February 19, 1987 (Supp. 87-1). Amended by adding subsections (W) and (X) effective October 14, 1988 (Supp. 88-4). Repealed effective March 20, 1990 (Supp. 90-1). R19-2-120 recodified from R4-27-120 (Supp. 95-1).

**R19-2-121. Officials****A. Generally**

1. The term "track official" means the following persons employed by the permittee and approved and licensed by the Department: Director of Racing, one steward, mutuel manager, patrol judges, clerk of the scales, starter, timer, paddock judge, track veterinarian, track superintendent, racing secretary, assistant racing secretary, handicapper, horsemen's bookkeeper, jockey room custodian, and chief of security.
2. The term "Department official" means the following persons appointed by the Department: two stewards, state mutuel supervisor, Department veterinarian, identifier, and investigator. Certain "track officials" may be appointed by the Department for the county fair race meets.
3. One person may serve in more than one official position if the person can do so without detriment to any of the other positions, and if the person has the consent and approval of the Department; provided that neither the racing secretary nor the permittee director of racing may serve as a steward.
4. In all rulings by the stewards, a majority of the stewards is deemed to be controlling.
5. Vacancies
  - a. When a vacancy occurs among officials other than stewards, the stewards shall fill the vacancy prior to post time of the first race of the day or when the vacancy occurs. The appointment is effective only for the day unless the permittee fails to fill the vacancy on the following day and has notified the stewards of its action not less than one hour before the post time of the first race of the following day. An appointment shall be reported promptly to the Department.
  - b. Three stewards shall view the running of a race. If a vacancy occurs among the stewards, the stewards present shall appoint one or two persons to serve as temporary stewards. The stewards making the appointment under this subsection shall report it in writing to the Department.
  - c. In case of emergency, the stewards may appoint a substitute to fill a vacancy for that emergency only.
6. The Department shall not license minors as officials.
7. A person interested in the result of a race because of an ownership interest in any entered horse, bets, or otherwise shall not act as an official at the meeting.

**B. Prohibited acts**

1. An official or an official's assistant shall not purchase mutuel tickets on races.
2. An official or an official's assistant shall not consume alcoholic beverages while on duty.
3. An official shall not accept, directly or indirectly, a bribe, gift, or other form of gratuity which is intended to or might influence the results of a race or the conduct of a racing meeting.
4. An official or employee shall not write or solicit horse insurance at a racing meeting.
5. An official or employee at the meeting shall not buy or sell a contract upon a jockey or apprentice jockey for an official or employee or for another, either directly or indirectly.

**C. Each official and employee shall report all observed violations of these rules to the stewards.****D. Complaints**

1. A person with a grievance or complaint against a track official, an employee of the permittee, or a licensee shall submit it in writing to the stewards within five days of the alleged objectionable act or behavior. The stewards shall consider the matter, take appropriate action, and make a full report of their action to the Department.
2. A person with a grievance or complaint against an official or employee of the Department shall report it in writing to the Deputy Director of the Department within five days of the alleged objectionable act or behavior.
3. The Department reserves the right to demand a change of any official or employee for failure to comply with state rules.

**E. Stewards**

1. Two stewards appointed by the Director, and one steward appointed by the permittee and licensed by the Director, shall supervise each racing meeting.
  - a. Stewards' duties include being in attendance at the office of the racing secretary or on the grounds of the permittee on any day in which entries are being taken or racing is being conducted and representing the Department in all matters pertaining to the interpretation of the rules adopted by the Department.
  - b. The stewards shall advise the Director of all hearings and rulings made.
  - c. If a steward is unable to perform the steward's duties for more than one day, the steward shall immediately notify the Director of that fact so that an alternate steward may be named to act in the steward's place.
2. The stewards shall enforce the rules and statutes of the state of Arizona.
3. The stewards shall have the power to interpret the rules and to decide all questions not specifically covered by the rules. In all interpretations and decisions, the orders of the stewards supersede the orders of the permittee.
  - a. The stewards shall have control over and shall have free access to all stands, weighing rooms, enclosures, and all other places within the grounds of the permittee.
  - b. The stewards shall investigate and render a decision promptly on each objection properly made to them pursuant to R19-2-117 of these rules. A majority of the stewards shall sign each ruling.
  - c. The stewards shall supervise all entries and declarations. They may refuse entries or the transfer of entries for violations of state rules or statutes.
  - d. The stewards shall regulate and control the conduct of officials and other persons attending or participating in a racing meeting.
  - e. The stewards shall have the right to: authorize a person or persons to enter into or upon and examine the buildings, stables, rooms, motor vehicles, trailers, or other places within the grounds of a licensed race track; inspect and examine the person, personal property, and effects of any person within the grounds; and seize any items prohibited under R19-2-112(5) and (6) or any other illegal article.
  - f. Pursuant to subsection (E)(6) of this Section, the stewards may impose a civil penalty in an amount not exceeding \$500 on any person subject to their control for violation of these rules. After a hearing, the stewards may suspend a person violating any of these rules for up to 60 days and may rule off licensees violating any of these rules. The stewards may impose both a civil penalty and suspension for the

- same violation. The stewards may refer any ruling made by them to the Director, recommending further action, including license revocation.
- g. In all cases where laboratory reports or other evidence show the administration or presence of a foreign substance, the stewards shall immediately investigate the matter and may disqualify the horse, suspend the trainer or other person or persons involved, refer the matter to the Director, and impose a fine.
  - h. Every person or entry expelled or ruled off by any recognized turf authority for corrupt or fraudulent or improper practice or conduct is ruled off wherever these rules have force.
  - i. When a person has been suspended, the stewards shall rule off or expel every horse wholly or partly owned by the person so long as the person's suspension continues. The person is not qualified, whether acting as agent or otherwise, to subscribe for, enter, or run a horse in any race, in either the person's own name or that of another person. The stewards shall disqualify a horse if it is wholly or partly owned by the person or under the person's care, management, training, or supervision, or the person has an interest in the horse's winnings. At the time it is discovered, the stewards shall void an entry from a person or of a horse that stands ruled off or expelled. The person shall forfeit the entry or subscription money and shall return the money or prize won.
4. The stewards may excuse a horse that has left the paddock for the post if they consider that horse to be crippled, disabled, or unfit to run. In claiming races, if there is a claim entered on a horse so excused, the claim is invalid.
  5. The stewards shall determine the finish of a race by the relative position of the noses of each horse. They shall immediately notify the pari-mutuel department of the numbers of the first four horses.
    - a. The stewards shall promptly display the numbers of the first three horses in each race in the order that they finished. If the stewards differ as to their order, the majority shall prevail.
    - b. The stewards may review the photo-finish picture provided by the permittee, to aid them in determining the finish of a race.
      - i. In any instance where the pictures furnished are not adequate or usable, the stewards shall make the final decision.
      - ii. If the stewards consider it advisable to review the photo-finish picture, the stewards may post such placements as are in their opinions unquestionable without waiting for a picture. After reviewing the picture, they may make the other placements. The stewards shall not declare the race official until they have determined which horses finished first, second, and third.
    - c. The stewards shall correct an error before the display of the sign "official" or recall the sign "official" if it has been displayed through error.
  6. The stewards shall adhere to the following procedure when they have reason to believe that a rule has been violated by any person:
    - a. The stewards shall summon the person to a hearing with all the stewards present.
    - b. The stewards shall give 24-hours' notice of the hearing to the person, in writing, on a form supplied by the Department. The stewards shall time and date the notice, and the person notified shall sign it. The stewards shall retain the original and include it as part of the case file. The stewards shall give a copy to the person summoned.
    - c. The stewards shall not impose a penalty until the hearing.
    - d. The stewards shall construe nonappearance of the summoned party as a waiver of the right to a hearing before the stewards.
    - e. The stewards shall permit the person summoned to present witnesses on the person's own behalf.
    - f. The stewards shall take appropriate action, including suspension or civil penalty or both, if there is substantial evidence to find a violation of these rules. The stewards shall promptly forward their written decision or ruling to the Director and to the party in question.
    - g. In the interest of the health, safety, and welfare of the people of the state of Arizona, the stewards may summarily declare a horse scratched and may suspend a license pending a stewards' hearing.
    - h. The stewards shall recover and forward to the Department any license they suspend.
    - i. A majority vote of the stewards shall determine all matters within their jurisdiction.
    - j. The stewards shall have the power to modify, change, or remit any ruling imposed by them.
    - k. The licensee shall promptly pay to the Department any civil penalty imposed by the stewards for deposit with the state treasurer.
  7. During the term of suspension of an owner, trainer, or other person on a track under the jurisdiction of the Department, the stewards and the permittee shall ensure that a ruling against the offender is enforced.
- F. Racing secretary**
1. The duties of the racing secretary include:
    - a. Reporting to the stewards all violations of these rules or of the regulations of the permittee which come to the racing secretary's attention.
    - b. Keeping a complete record of all races.
  2. The racing secretary or authorized representative shall inspect all papers and documents dealing with owners and trainers, partnership agreements, appointments of authorized agents, and adoption of stable names. The racing secretary may demand production of such documents and papers in order to verify their validity and authenticity and to ensure that the rules have been followed.
  3. The racing secretary shall write the conditions of all races and shall publish them sufficiently before closing time for entries. The racing secretary shall not alter the conditions after the time set for closing.
    - a. The racing secretary shall not write races that conflict with racing rules.
    - b. The racing secretary shall include or post a list of eligible horses in the conditions prior to the time of entry for every graded quarter-horse race. The racing secretary shall not add a horse to this list after entering has begun without the consent of those who have entered eligible horses.
  4. The racing secretary shall act as the official handicapper in all races.
    - a. The racing secretary shall assign weight to each nominee.

- b. The racing secretary shall post the weights in handicaps before 10:30 a.m. on the day set for publication.
- 5. The racing secretary shall determine the character and condition of substitute and extra races, subject to the stewards' approval.
  - a. If a stakes or overnight handicap does not fill, it may be replaced by another overnight race carrying a guaranteed purse consistent with the daily average purse.
  - b. If a race is canceled or declared off, the racing secretary may split any race programmed for the same day and which previously may have been closed.
  - c. The racing secretary shall give preference to races printed in the condition book over substitute and extra races.
- 6. The racing secretary or the racing secretary's designee shall conduct the drawing of all races and immediately post an overnight listing of the horses in each race.
- 7. The office of the racing secretary shall keep the preferred list of all horses.
- 8. The racing secretary shall not allow any horse to start in a race unless the horse is entered in the name of the legal owner and unless the owner's name appears on the back of the registration papers or on a legal lease or bill of sale attached to the registration papers.
- G.** Assistant racing secretary. The assistant racing secretary shall assist the racing secretary in the performance of the racing secretary's duties, under the racing secretary's supervision.
- H.** Starter
  - 1. The starter has:
    - a. Complete jurisdiction over the starting of any field of horses.
    - b. Authority to give orders necessary to ensure a fair start.
    - c. Authority to recommend to the stewards the fining or suspension of any person violating the starter's orders.
  - 2. The starter may place a horse on a schooling list. The racing secretary shall not accept an entry on a horse until it has been removed from the schooling list by the starter.
  - 3. The starter may recommend to the stewards that a horse which is unmanageable at the starting gate or which refuses to break properly, after a reasonable schooling period, be suspended.
- I.** Starter's assistant
  - 1. The starter's assistant may help horses into the starting gate.
  - 2. The starter's assistant may handle or otherwise restrain unruly or fractious horses before the start.
- J.** Clerk of the scales
  - 1. The duties of the clerk of the scales include:
    - a. Weighing all jockeys out and in.
    - b. Posting all overweights promptly after weighing.
    - c. Notifying a trainer that the trainer's jockey is overweight.
    - d. Reporting all late scratches, changes in riders, overweights, and corrected weights for posting on a bulletin board located in a place conspicuous to the wagering public.
    - e. Recording winning records of jockeys with apprentice certificates and attesting to the date and track on each line as provided on the jockey's apprentice certificate.
  - 2. A jockey shall not pass the scale more than seven pounds overweight without the consent of the stewards.
- 3. A jockey shall not be more than one pound short at weigh in.
- 4. The clerk of the scales shall report to the stewards any violations of weight rules or any attempt to alter specified weights.
- K.** Paddock judge
  - 1. The duties of the paddock judge include:
    - a. Checking all contestants for each race.
    - b. Keeping a record of all equipment carried by the horses in each race under the paddock judge's jurisdiction.
    - c. Permitting no change of equipment unless the change is approved by the stewards.
  - 2. Only the owner or trainer of a horse, or the employees of each, shall touch a horse in the paddock without the permission of the paddock judge.
  - 3. The paddock judge shall report any irregularities to the stewards.
- L.** Patrol judges
  - 1. The duties of the patrol judges include:
    - a. Viewing that portion of the track allotted to them.
    - b. Reporting to the stewards any irregular incident occurring during a race.
  - 2. The stewards may require patrol judges to submit written reports on each race.
  - 3. The number of patrol judges in use at a track may vary with the size of the track and with the need to ensure clean racing.
- M.** Timers
  - 1. Timers shall accurately record the time of each race.
  - 2. Timers shall accurately record the fractional times of each race if required for the Daily Racing Form Chart.
  - 3. The timers shall use an electrical timing device approved by the Department in all races restricted to quarter horses.
- N.** Jockey room custodian
  - 1. The duties of the jockey room custodian include:
    - a. Maintaining the jockey room in proper order as a restricted area.
    - b. Seeing that jockeys conduct themselves in accordance with the rules of racing.
    - c. Seeing that jockeys are on time for their races.
    - d. Supervising the valets employed to assist the jockeys.
    - e. Assisting the clerk of scales to ensure jockeys have proper equipment and carry the correct weight.
  - 2. The jockey room custodian shall report immediately to the stewards any colors not in the jockey room custodian's possession for a given day's racing.
- O.** Horsemen's bookkeeper
  - 1. The horsemen's bookkeeper shall receive all stakes, forfeits, entrance monies, fees (including jockey fees), and purchase money in claiming races.
  - 2. The horsemen's bookkeeper shall pay all money on deposit to the persons entitled to it within 14 days after the close of the meeting.
  - 3. The horsemen's bookkeeper shall be bonded in an amount determined by the Director.
  - 4. The horsemen's bookkeeper shall segregate and hold as trust funds all fees paid in added money events, early closing events, stakes, and futurities until the event is contested. The horsemen's bookkeeper shall submit proof of segregation by bank letter or bank statement to the Department through its authorized representative.
  - 5. The horsemen's bookkeeper shall not pay purse money earned by a horse to anyone except its registered owners or their authorized agent. The Department shall deter-

mine when purse monies are released, based on results of laboratory analysis.

6. In the event of an objection or positive sample and upon notification by the stewards, the horsemen's bookkeeper shall hold the purse monies until released by the Department.

**P. Veterinarians**

1. The Department shall approve two official veterinarians, licensed to practice veterinary medicine by the state of Arizona. The permittee shall employ one of the official veterinarians, and the Department shall employ the other official veterinarian.
2. The Department veterinarian shall be in charge of all sample collection.
3. An official veterinarian shall inspect each horse in the receiving barn or paddock and shall recommend to the stewards the scratching of any horse the veterinarian finds to be unsafe to race or physically unfit to produce a satisfactory result in a race.
4. The track veterinarian shall examine all horses prior to a race.
5. Either the Department veterinarian or the track veterinarian shall place any horse deemed to be unsafe, unsound, or unfit on a suspension list approved by the stewards.
6. The racing secretary may accept the entry of a horse on the veterinarian's list only after approval by the track and Department veterinarian and if three calendar days have elapsed since the horse was placed on the veterinarian's list.
7. Every veterinarian licensed by the Department shall keep a written record of the veterinarian's practice on the grounds of a permittee relating to horses participating in racing.
  - a. This record includes:
    - i. The name of the horse treated,
    - ii. The nature of the horse's ailment,
    - iii. The type of treatment prescribed and performed for the horses,
    - iv. The date and time of the treatment.
  - b. Veterinarians shall keep this record for practice engaged in at all licensed tracks.
  - c. A veterinarian shall produce this record without delay upon request of the stewards or the Department.
  - d. Veterinarians engaged in private practice on tracks under the jurisdiction of the Department shall be licensed by the Arizona State Board of Veterinarian Medical Examiners and the Department.
  - e. Only veterinarians licensed by the Department shall administer to or prescribe for horses on the premises of any permittee except in case of emergency (R19-2-112(A)(11)(b)).
  - f. The Department, acting on the recommendation of the Department veterinarian, shall evaluate all new and experimental medications and drugs and determine whether the medications and drugs may be used on the grounds.
8. If an official veterinarian determines that an injured horse should be destroyed, the official veterinarian shall destroy the horse quickly, humanely, and out of sight of the public unless any delay will prolong the suffering of the horse.

**Q. Horse identifier**

1. The horse identifier or designee shall examine all horses registered for racing at tracks under the jurisdiction of the Department.

2. The horse identifier shall ensure that all horses starting at any track in the state of Arizona are tattooed unless otherwise authorized by the stewards.

3. The horse identifier may make photographs or permanent identification records for horses referred to in subsection (Q)(1) of this Section. The horse identifier shall include the tattoo number, markings, cowlicks, dimples, and other characteristics of each horse on its identification record.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
Amended subsections (A) and (D) effective November 30, 1988 (Supp. 88-4). Amended effective March 20, 1990 (Supp. 90-1). R19-2-121 recodified from R4-27-121 (Supp. 95-1). Amended effective September 14, 1995 (Supp. 95-3). Amended effective January 12, 1996 (Supp. 96-1). Amended effective August 7, 1996 (Supp. 96-3).  
Spelling correction made in subsection (1) "permittee" changed to "permittee" to reflect rules on file with the Office of the Secretary of State (Supp. 98-3).

**R19-2-122. Transfers**

- A. Any change in the ownership or lease of a horse registered with the racing secretary must be effected by a bill of sale or lease agreement.
  1. A copy of the bill of sale or lease agreement shall be filed in the track office of the Department and with the racing secretary.
  2. The stewards shall be advised of any change in the ownership or trainer transfer of a horse registered with the racing secretary.
  3. A horse shall not be transferred to a new trainer after entry.
  4. More than one owner may be indicated on the program by the use of the name of one owner and the phrase "et al."
- B. If a horse is sold with all its engagements or any part of them, the seller shall not strike it from such engagements.
  1. In all private sales, the written acknowledgment of both parties that the horse was sold with all, or part of, its engagements is necessary to entitle the seller or buyer to the benefit of this rule. If certain engagements are specified, only those engagements so specified shall be sold with the horse.
  2. In all public auctions, the advertised conditions of the sale are sufficient evidence of sale with all engagements. If certain engagements are specified, only those engagements so specified shall be sold with the horse.
  3. If a horse is transferred with its engagements, that horse shall not be eligible to start in any stakes race unless, at the time of the running of the stakes or prior thereto, the transfer of the horse and its engagements is exhibited upon demand to the racing secretary.
  4. No transfer of a horse or an engagement shall be made for the purpose of avoiding disqualification.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
Amended effective March 20, 1990 (Supp. 90-1). R19-2-122 recodified from R4-27-122 (Supp. 95-1).

**R19-2-123. Procedure before the Department**

- A. Appeal of stewards' rulings and referrals
  1. Any person or persons aggrieved by a ruling of the stewards may appeal to the Director. Such an appeal shall be filed in writing in the office of the Director within three days of the receipt of the steward's ruling.

2. The failure of the stewards to convene a hearing within 10 days after an objection is made shall be deemed a denial by the stewards and may be appealed by filing a written appeal in the office of the Director within 10 days from the date the objection was denied.
  3. The appeal shall be signed by the person making said request or by such person's attorney and shall set forth such person's grounds for appeal and reasons for believing such person is entitled to a hearing.
  4. A person filing an appeal of a ruling may be required by the Director or the Commission to furnish a bond in the amount equal to an assessed fine and an additional \$200 to cover the costs, which may be forfeited should the appeal be denied.
  5. The stewards may refer any ruling made by them to the Director, recommending further action, including the revocation of a license suspended by the stewards. Upon receipt of such referrals, the Director shall review the record and may affirm, reverse, or modify the stewards' ruling or conduct such other proceedings as the Director may deem appropriate.
  6. Upon the filing of a referral in the manner set forth above, the Director may fix a time and place for a hearing and shall give written notice of the hearing at least 20 days prior to the date set for the hearing, unless waived by the appellant.
  7. Nothing contained in this Section shall affect the distribution of the pari-mutuel pools.
  8. In case of an appeal or protest, the purse money affected shall be retained by the permittee subject to order of the Director.
- B. License denial, suspension, or revocation**
1. The Director may deny a license application without prior notice to the applicant. However, if the applicant files an appeal with the Director within 20 days of the receipt of the denial, the Director may fix a time and place for a hearing on the matter and shall give written notice of the hearing at least 20 days prior to the date set for the hearing, unless waived by the applicant.
  2. The Director may revoke or, independently of the stewards, suspend a license only after notice and opportunity for hearing. Notice of the hearing shall be given in writing at least 20 days prior to the date set for hearing, unless waived by the applicant.
- C. Contested cases**
1. All parties appearing before the Director or the Director's designee shall be afforded an opportunity to a hearing and the opportunity to respond and present evidence and argument on all issues.
  2. Any party appearing before the Director or the Director's designee shall have the right to appear in person, or by counsel, except that a corporation may appear only through counsel. Any party may submit such party's case in writing. Failure of a party to appear for a hearing shall leave the Director free to act upon the evidence at hand without further notice to the parties. Proceedings may be reopened by the Director upon written petition of any party to the proceedings.
- D. Hearing officer.** If the Director assigns a matter to a hearing officer, the hearing officer shall submit to the Director within 15 days after the conclusion of the hearing a written decision which shall include proposed findings of fact, conclusions of law and order. The decision of the hearing officer may be approved or modified by the Director. The decision of the hearing officer becomes the decision of the Director unless modified by the Director within 45 days.
- E. Depositions**
1. When any party desires to take the oral deposition of any witness residing outside the state or otherwise unavailable as a witness, such party shall file with the Director a petition for permission to take the deposition of such witness, showing the name and address of such witness and setting forth specifically and in detail the nature and substance of the testimony expected to be given by such witness. The application shall be granted if it appears from such petition that the witness resides outside the state or is otherwise unavailable and that the testimony of such witness is relevant and material. If such statement is not made specifically and in detail, so that the Director may determine therefrom the relevancy and materiality of the testimony of such witness, such petition may be denied.
  2. The Director may, at the Director's discretion, designate the time and place and office at which such a deposition may be taken. The expense of any deposition shall be borne by the party applying to the Director for permission to take same.
  3. Any deposition taken under this subsection shall be returned and filed with the Director within 30 days after permission for taking same is granted.
- F. Service**
1. Service of any decision, order, or other process may be made in person or by mail. Service by mail shall be made by enclosing the same or a copy thereof in a sealed envelope and depositing the same in the United States mail, postage prepaid, addressed to the party served, at the address as shown by the records of the Department.
  2. The time periods prescribed or allowed by these rules, by order of the Department or by an applicable statute, shall be computed as provided in the Arizona Rules of Civil Procedure.
  3. Service upon an attorney who has appeared on behalf of a party shall constitute service upon such party, except that papers required to be served upon the Director or Commission shall in all cases be filed in the office of the Department with a copy served on the Attorney General.
  4. Proof of service may be made by the affidavit or oral testimony of the person making such service.
- G. Rehearing, review, or appeal**
1. Except as provided in subsection (G)(7), any party in a contested case before the Director who is aggrieved by a decision rendered in such case may file with the Director, not later than 10 days after service of the decision, a written motion for rehearing or review of the decision specifying the particular grounds therefor. For purposes of this subsection, a decision shall be deemed to have been served when personally delivered or mailed to the party at such party's last known residence or place of business.
  2. The motion for rehearing may be amended at any time before it is ruled upon by the Director. A response may be filed within 10 days after service of such motion or amended motion by any other party. The Director may require the filing of written briefs upon the issues raised in the motion and may provide for oral argument.
  3. A rehearing or review of the decision may be granted for any of the following causes materially affecting the moving party's rights:
    - a. Irregularity in the administrative proceedings of the hearing officer or Director or the prevailing party, or any order or abuse of discretion, whereby the moving party was deprived of a fair hearing.
    - b. Misconduct of the hearing officer, Director, or the prevailing party.



- c. Accident or surprise which could not have been prevented by ordinary prudence.
  - d. Newly discovered material evidence which could not with reasonable diligence have been discovered and produced at the original hearing.
  - e. Excessive or insufficient penalties.
  - f. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing.
  - g. The decision is not justified by the evidence or is contrary to law.
4. The Director may affirm or modify the decision or grant a rehearing to all or any of the parties and on all or part of the issues for any of the reasons set forth in subsection (G)(3) of this subsection. An order granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.
  5. Not later than 10 days after a decision is rendered, the Director may, on the Director's own initiative, order a rehearing or review of the Director's decision for any reason for which the Director might have granted a rehearing on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Director may grant a motion for rehearing for a reason not stated in the motion. In either case, the order granting such a rehearing shall specify the grounds therefor.
  6. When a motion for rehearing is based upon affidavits they shall be served with the motion. An opposing party may, within 10 days after such service, serve opposing affidavits, which period may be extended for an additional period not exceeding 20 days by the Director for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
  7. If in a particular decision it is necessary for the immediate preservation of the public peace, health, and safety and if a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the decision may be issued as a final decision without an opportunity for a rehearing or review.
  8. For purposes of this subsection the terms "contested case" and "party" shall be defined as provided in A.R.S. § 41-1001.
  9. To the extent that the provisions of this rule are in conflict with the provisions of any statute providing for rehearing of decisions of the Director, such statutory provisions shall govern.

#### Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).

Amended effective March 20, 1990 (Supp. 90-1). R19-2-123 recodified from R4-27-123 (Supp. 95-1).

#### R19-2-124. Procedure before the Commission

##### A. Appeal of Director's rulings

1. Any person or persons aggrieved by a ruling of the Director may appeal to the Commission. Such an appeal shall be filed in writing in the office of the Commission within 15 days after service of the Director's ruling.
2. The appeal shall be signed by the person making said request or by his attorney and shall set forth with specificity such person's grounds for appeal and reasons for believing such person is entitled to a hearing.
3. Upon the filing of an appeal set forth above, the Commission shall review the record and may affirm, reverse, or

modify the Director's ruling or conduct such other proceedings as the Commission deems appropriate.

##### B. Permit denial, suspension, or revocation

1. The Commission may deny a permit application pursuant to a hearing upon 15 days notice.
2. The Commission shall revoke or suspend a permit only after notice and opportunity for hearing. Notice of the hearing shall be given in writing at least 20 days prior to the date set for hearing, unless waived by the applicant.
3. All parties appearing before the Commission shall be afforded an opportunity for a hearing and the opportunity to respond and present evidence and argument on all issues.
4. Any party appearing before the Commission shall have the right to appear in person, or by counsel, except that a corporation may appear only through counsel. Any party may submit such party's case in writing. Failure of a party to appear for a hearing shall leave the Commission free to act upon the evidence at hand without further notice to the parties. Proceedings may be reopened by the Commission upon written petition of any party to the proceedings.

##### C. Hearing officer. If the Commission assigns a matter to a hearing officer, the hearing officer shall submit to the Commission within 15 days after the conclusion of the hearing a written decision which shall include proposed findings of fact, conclusions of law and order. The decision of the hearing officer may be approved or modified by the Commission. The decision of the hearing officer becomes the decision of the Commission unless modified by the Commission within 45 days.

##### D. Depositions

1. When any party desires to take the oral deposition of any witness residing outside the state or otherwise unavailable as a witness, such party shall file with the Commission a petition for permission to take the deposition of such witness, showing the name and address of such witness and setting forth specifically and in detail the nature and substance of the testimony expected to be given by such witness. The application may be granted if it appears from such petition that the witness resides outside the state or is otherwise unavailable and that the testimony of such witness is relevant and material. If such statement is not made specifically and in detail, so that the Commission may determine therefrom the relevancy and materiality of the testimony of such witness, such petition may be denied.
2. The Commission may, at its discretion, designate the time and place and office at which such a deposition may be taken. The expense of any deposition shall be borne by the party applying to the Commission for permission to take same.
3. Any deposition taken under this subsection shall be returned and filed with the Commission within 30 days after permission for taking same is granted.

##### E. Service

1. Service of any decision, order, or other process may be made in person or by mail. Service by mail shall be made by enclosing the same or a copy thereof in a sealed envelope and depositing the same in the United States mail, postage prepaid, addressed to the party served, at the address as shown by the records of the Department, except that notice of a hearing before the Commission shall be mailed by certified mail to the last known address of the parties as shown by the records of the Department.
2. Proof of service may be made by the affidavit or oral testimony of the person making such service.

3. The time periods prescribed or allowed by these rules, by order of the Department or by an applicable statute, shall be computed as provided in the Rules of Civil Procedure.
  4. Service upon an attorney who has appeared on behalf of a party will constitute service upon such party. In the case of papers requested to be served upon the Commission, an original and five copies shall be filed in the office of the Department and a copy shall be served upon the Attorney General.
- F. Rehearing or review**
1. Except as provided in subsection (F)(7) of this subsection, any party in a contested case before the Commission who is aggrieved by a decision rendered in such case may file with the Commission, not later than 15 days after service of the decision, a written motion for rehearing or review of the decision, specifying the particular grounds therefor. For purposes of this subsection, a decision shall be deemed to have been served when personally delivered or mailed to the party at such party's last known residence or place of business.
  2. The motion for rehearing may be amended at any time before it is ruled upon by the Commission. A response may be filed within 10 days after service of such motion or amended motion by any other party. The Commission may require the filing of written briefs upon the issues raised in the motion and may provide for oral argument.
  3. A rehearing or review of the decision may be granted for any of the following causes materially affecting the moving party's rights:
    - a. Irregularity in the administrative proceedings of the hearing officer or Commission or the prevailing party, or any order or abuse of discretion, whereby the moving party was deprived of a fair hearing.
    - b. Misconduct of the hearing officer, Commission, or the prevailing party.
    - c. Accident or surprise which could not have been prevented by ordinary prudence.
    - d. Newly discovered material evidence which could not with reasonable diligence have been discovered and produced at the original hearing.
    - e. Excessive or insufficient penalties.
    - f. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing.
    - g. The decision is not justified by the evidence or is contrary to law.
  4. The Commission may affirm or modify the decision or grant a rehearing to all or any of the parties and on all or part of the issues for any of the reasons set forth in subsection (F)(3). An order granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.
  5. Not later than 10 days after a decision is rendered, the Commission may, on its own initiative, order a rehearing or review of its decision for any reason for which it may have granted a rehearing on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Commission may grant a motion for rehearing for a reason not stated in the motion. In either case, the order granting such a rehearing shall specify the grounds therefor.
  6. When a motion for rehearing is based upon affidavits, the affidavits shall be served with the motion. An opposing party may, within 10 days after such service, serve opposing affidavits, which period may be extended for an additional period not exceeding 20 days by the Commission for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
  7. If in a particular decision it is necessary for the immediate preservation of the public peace, health, and safety and if a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the decision may be issued as a final decision without an opportunity for a rehearing or review.
  8. For purposes of this subsection the terms "contested case" and "party" shall be defined as provided in A.R.S. § 41-1001.
  9. To the extent that the provisions of this rule are in conflict with the provisions of any statute providing for rehearing of decisions of the Commission, such statutory provisions shall govern.

#### Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended effective March 20, 1990 (Supp. 90-1). R19-2-124 recodified from R4-27-124 (Supp. 95-1).

#### R19-2-125. Arizona Stallion Awards

- A. Definitions**
1. "Arizona stallion" means an uncastrated, adult male horse that stands the entire breeding season in Arizona.
  2. "Breeding year" means the period beginning January 1 and ending July 31.
  3. "Fiscal year" means the period beginning July 1 and ending June 30.
  4. "Owner" means the person who possesses the stallion at the time of the person's certification application for the fiscal year, according to the records of the Department.
- B. Owner and lessee eligibility.** For an owner or the lessee of an Arizona stallion to be eligible for an award of funds for a fiscal year:
1. The owner or lessee shall:
    - a. Apply for stallion certification by the due date set by the breeders association for complying with the requirement in subsection (D);
    - b. Submit the breeder report required in subsection (E); and,
    - c. Comply with subsection (F) if applicable.
  2. In the event of death or the retirement of a stallion, the owner or lessee remains eligible for awards if the requirements in subsection (D) are followed.
  3. The stallion shall be certified at the time its eligible Arizona-bred offspring earn purse money in races listed in subsection (H).
- C. Qualifications for Arizona stallion certification.** To qualify for Arizona stallion certification for the fiscal year, an owner or lessee shall:
1. Permanently domicile the stallion in Arizona from January 1 through July 31. During this time, the owner or lessee may move the stallion outside of Arizona for racing or for medical treatment;
  2. Register the stallion with the Arizona breed registry that corresponds to the stallion's national breed registry; and
  3. Notify the appropriate Arizona breed registry within 10 days of the stallion entering or leaving Arizona during the breeding year.
- D. Application procedure for stallion certification**
1. By the due date set by the appropriate Arizona breeders association, and approved by the Commission in accordance with subsection (D)(2)(b), an owner or lessee may apply for Arizona stallion certification for the fiscal year. The owner or lessee shall:

- a. File an official application form with the Arizona breeders' association for each stallion owned or leased; and
    - b. Pay a certification fee for each stallion when the application form is filed.
  2. The Arizona breeders association shall:
    - a. Forward a legible copy of the completed application to the Department;
    - b. Set an application due date and reasonable certification fee, if these actions are authorized by the Commission in a contract permitted under A.R.S. § 5-114(D).
  3. The Commission shall review and approve or reject each contract for stallion certification.
- E. Breeding report**
  1. A quarter horse stallion owner or lessee shall submit a legible copy of the annual "Stallion Breeding Report" to the breeders association monitoring quarter horse stallions by November 30 of the current breeding year.
  2. Except as provided in subsection (F), a thoroughbred stallion owner or lessee shall submit a legible copy of the annual "Report of Mares Bred" to the breeders association monitoring thoroughbred stallions by August 1 of the current breeding year.
- F. Thoroughbred stallion bred to quarter horse mares**
  1. If a thoroughbred stallion is being bred to quarter horse mares, an owner or lessee shall send the application, fees, and breeding report required in subsections (D) and (E)(1) to the breeders association monitoring quarter horse stallions.
  2. If a thoroughbred stallion is being bred to thoroughbred and quarter horse mares, an owner or lessee shall send the application, fees, and breeding reports required in subsections (D) and (E) to both of the Arizona breeders associations.
- G. Disqualification and Reinstatement**
  1. If a stallion owner or lessee fails to comply with applicable requirements in subsections (B), (C), (D), (E), and (F) the Department shall disqualify the owner or lessee from receiving an award of fund monies during the affected fiscal year.
  2. To reinstate eligibility for subsequent years, the owner or lessee shall pay the certification fee prescribed in subsection (D)(1)(b) and comply with applicable requirements in subsections (B), (C), (D), (E), and (F).
- H. Award races. Except for maiden claiming and maiden allowance races at Arizona racetracks, the following are eligible races:**
  1. Quarter horses:
    - a. All races with a purse value of \$10,000 or more;
    - b. All allowance races;
    - c. At the Turf Paradise meet, all claiming races with a claiming price of \$3,500 or more; and
    - d. At other Arizona racetracks, all claiming races with a claiming price of \$2,500 or more.
  2. Thoroughbreds:
    - a. The Prescott Futurity, the Prescott Derby, and all races with a purse value of \$15,000 or more;
    - b. The Inaugural, the Mile High, and all allowance races;
    - c. At the Turf Paradise meet, all claiming races with a claiming price of \$6,000 or more; and
    - d. At other Arizona racetracks, all claiming races with a claiming price of \$3,500 or more.
- I. Fund distribution procedures**
  1. The Arizona breeders associations shall submit to the Department, at least annually, a written report that contains the following information:
    - a. The names of certified Arizona stallions for the fiscal year;
    - b. The names of certified Arizona-bred offspring of the Arizona stallions. Arizona-bred horses may be certified by following the procedures prescribed in R19-2-116(A) and (B);
    - c. The first, second, and third place finishes of each certified Arizona-bred horse, sired by a certified Arizona stallion, in each eligible race; and,
    - d. The earnings in each race of each Arizona-bred horse sired by a certified Arizona stallion.
  2. The Department shall:
    - a. Hold 10% of the monies accumulated prior to the 1996-97 fiscal year for contingent liabilities;
    - b. Calculate a payment factor at the end of each fiscal year by dividing the total monies available, under subsections (I)(2)(d), (e), (f), or (g), by the total dollar value of purses, not to exceed \$30,000 per horse per race, won in eligible races during the fiscal year;
    - c. Multiply the payment factor by the total purse amount won in eligible races during the fiscal year;
    - d. Distribute to eligible owners or lessees 40% of the amount accumulated in the fund prior to the 1996-97 fiscal year and the amount earned by the fund during the 1996-97 fiscal year;
    - e. Distribute to eligible owners or lessees 25% of the amount accumulated in the fund prior to the 1996-97 fiscal year and the amount earned by the fund during the 1997-98 fiscal year;
    - f. Distribute to eligible owners or lessees 25% of the amount accumulated in the fund prior to the 1996-97 fiscal year and the amount earned by the fund during the 1998-99 fiscal year; and,
    - g. Distribute to eligible owners or lessees the amount earned by the fund during the fiscal year for the years after the 1998-99 fiscal year.
  3. The owner or lessee shall designate, on a form provided by the Department, the single payee to whom Arizona stallion award checks shall be issued when there is more than one owner of a stallion.
- J. Appeal of Director's rulings**
  1. The Director shall make the final decision concerning a stallion award.
  2. The Department shall give written notice of the decision to an applicant by mailing it to the address of record filed with the Department.
  3. After service of the Director's decision, an aggrieved party may obtain a hearing under A.R.S. §§ 1092.03 through 41-1092.11.
  4. The aggrieved party shall file a notice of appeal with the Department within 30 days after receiving the notice prescribed in R19-2-125(J)(2).
  5. The Department shall notify the Office of Administrative Hearings, which shall schedule and conduct the hearing.

#### Historical Note

Adopted effective November 7, 1996 (Supp. 96-4).

#### ARTICLE 2. RESERVED

#### ARTICLE 3. GREYHOUND RACING

##### R19-2-301. Power and Authority

- A.** All powers of the Department and Commission not specifically defined in these rules are reserved to the Department and

Commission under the law creating the Department and Commission and specifying its powers and duties.

- B. The jurisdiction of the Department and Commission over matters covered by the statutes and the rules is continuous throughout the year.
- C. The statutes of the state of Arizona and the rules and the orders of the Department and Commission take precedence over the conditions of a race or of a racing meeting.
- D. The Director may sustain, reverse, or modify any penalty or decision imposed by the stewards.
- E. The Commission may sustain, reverse, or modify any penalty or decision imposed by the Director.

#### Historical Note

Adopted effective August 5, 1983 (Supp. 83-4). R19-2-301 recodified from R4-27-301 (Supp. 95-1).

#### R19-2-302. Definitions

In these rules, unless the context otherwise requires:

1. "Added money" means the money a permittee adds to the nominating and starting fees in a race.
2. "Adequate feed" means supplying the greyhound a quantity of foodstuffs daily for its age and weight to maintain a reasonable level of nutrition.
3. "Age" means the age of a greyhound as computed from the day the greyhound was whelped.
4. "Authorized agent" means a person appointed pursuant to R19-2-306(I) of these rules.
5. "Breeder" of a greyhound means the owner or lessee of its dam at the time of whelping.
6. "Breeding farm" means a facility where greyhounds are bred and raised.
7. "Breeding place" means the place of birth of a greyhound.
8. "Commission" means the Arizona Racing Commission.
9. "Course" means the track over which greyhounds race.
10. "Declaration" means the act of withdrawing an entered greyhound from a race.
11. "Department" means the Arizona Department of Racing.
12. "Director" means the Director of the Arizona Department of Racing.
13. "Entrance fee" means a fee set by the permittee which must be paid in order to make a greyhound eligible for a stakes race.
14. "Entry" means a greyhound eligible and entered in a race.
15. "Equipment" as applied to greyhounds means muzzles and number blankets.
16. "Exercise areas" are fenced locations where greyhounds are released to exercise for a short period of time and then returned to their kennel housing crates, or to their run housing.
17. "Field" means the entire group of greyhounds in a race.
18. "Foreign substance" means any drug, medicine, or any other substance foreign to the greyhound's body which does or may affect the racing condition of a greyhound or which does or may affect sampling or testing procedures. Foreign substances include, but are not limited to, stimulants, depressants, local anesthetics, narcotics, and analgesics.
19. "Grounds" means the entire area used by the permittee to conduct racing meetings including, but not limited to, the track, grandstand, kennels, concession areas, and parking facilities.
20. "Kennel housing" means any facility where greyhounds are housed indoors.
21. "Kennel owner" means a person who has a contract or agreement with a permittee to provide dogs to the permittee's facility.
22. "Lawfully issued prescription" means a prescription-only drug, as defined in A.R.S. § 13-3401, obtained directly or pursuant to a valid prescription or order from a licensed physician acting in the course of professional practice.
23. "Lessee" or "lessor" means a person who has leased a greyhound for racing or breeding purposes.
24. "Lure" means mechanical apparatus consisting of the following component parts: A stationary rail installed around the track and a reasonable decoy which shall be attached to the pole.
25. "Maiden" means a greyhound which at the time of starting has never won a race in any country on a recognized track or which has been disqualified after finishing first.
26. "Manager/Agent," for purposes of R19-2-327, means a person managing a racing kennel, breeding farm, or other operation.
27. "Matinee" means a schedule of races conducted upon a track in daylight hours.
28. "Meeting" means the entire period for which a permit to conduct racing has been granted to any permittee by the Department.
29. "Night performance" means a schedule of races conducted upon a race track during night hours.
30. "Nominating fee" means a fee set by the permittee which must be paid in order to make a greyhound eligible for a stakes race.
31. "Nomination" means the naming of a greyhound or its pup (offspring) to compete in a specific race or series of races, eligibility for which may be conditional upon the payment of a fee at the time of naming.
32. "Nominator" means the person in whose name a greyhound is nominated for a stakes or handicap race.
33. "Off time" means the moment at which, on signal of the starter, the greyhounds break and run.
34. "Other operation" means a facility where greyhounds are trained, or kept.
35. "Owner" means any person possessing all or part of the legal title to a greyhound, or any person possessing all, or part of the legal interest in a racing kennel, breeding farm, or other operation.
36. "Place" means the position in which a greyhound finishes in a race and, more specifically, win-first, place-second, and show-third.
37. "Post position" means the position assigned to a greyhound for the start of a race.
38. "Post time" means the time set for the arrival at the starting point of the greyhounds in a race.
39. "Prohibited substance" means any substance regulated by A.R.S. Title 13, Chapter 34.
40. "Race" means a contest among greyhounds for purse, stakes, premium, or wager for money, run in the presence of the racing officials of the track and of the Department.
  - a. "Hurdle race" means a race over a course in which jumps or hurdles are used.
  - b. "Match race" means a race between two or more greyhounds, each the property of different owners, on terms agreed upon by the owners and approved by the Department.
  - c. "Overnight race" means a race for which entries close 96 hours or less before the time set for the first race of the day on which such race is to be run.

- d. "Purse race" means a race for money or other prize to which the owners of the greyhounds engaged in the race do not contribute an entry fee.
- e. "Race on the flat" means a race over a course in which no jumps or other obstacles are placed.
- f. "Stakes race" means a race in which any monies are to be deposited by the owners of the greyhounds engaged in the race, including a race in which money or other prize is added, and in which nominations must close more than 72 hours before the time for the first race of the day on which such stakes race is to be run.
- 41. "Racing kennel" means a kennel located off-track and operated under contract, or agreement with a permittee to provide greyhounds to the permittee's facility.
- 42. "Recognized track" means a track where pari-mutuel wagering is authorized by law.
- 43. "Ruled off" means the act of barring from the grounds of a permittee and denying all racing privileges.
- 44. "Run housing" means a fenced area where greyhound puppies and nonracing greyhounds live and are permitted to move about freely.
- 45. "Scratch" means the act of withdrawing an entered greyhound from a race after the drawing for post positions in that race has been completed. There shall be no substitutions or replacements after post positions have been drawn.
- 46. "Scratch time" means the time set by the permittee for the withdrawing of entries from the races of that day.
- 47. "Starting fee" means a fee set by the permittee which must be paid in order to start in a race. This fee is specified by the conditions of the race.
- 48. "Starting greyhound" means a greyhound which leaves the paddock for the post, excluding:
  - a. A greyhound subsequently excused by the stewards, or
  - b. A greyhound whose starting box door does not open in front of it at the time the starter dispatches the field.
- 49. "Subscription" means the act of nominating to a stakes race.
- 50. "Supplemental fee" means a fee set by the permittee to make a greyhound eligible for a stakes race that must be paid at a time prescribed by the permittee.
- 51. "Suspended" means that any privilege granted by the officials of a racing meeting or by the Commission or the Department has been temporarily withdrawn.
- 52. "Sustaining fee" means a fee which must be paid periodically, as prescribed by the conditions of the race, in order to keep a greyhound eligible for that race.
- 53. "Tote/totalizer" means the machines which sell mutuel tickets and the board on which the approximate odds are posted.
- 54. "Track" means the course over which races take place.
- 55. "Trainer" means the person employed by an owner or lessee to condition greyhounds for racing.
- 56. "Turn-out pens" are enclosed, or fenced areas where racing greyhounds are briefly released from their kennel housing crates for the purpose of urinating and defecating.
- 57. "Walkover" means a race in which there are not two or more greyhounds of separate interest sent postward.
- 58. "Weighing in" means the act of recording weight of a greyhound taken at the first weighing in, in accordance with these rules.
- 59. "Weighing out" means the act of recording weight of a greyhound previous to post time or time of the race in which it is entered.
- 60. "Whelped" means the birth of a greyhound.

#### Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).

Amended effective November 30, 1988 (Supp. 88-4).

Amended effective March 20, 1990 (Supp. 90-1).

Amended effective February 28, 1995; R19-2-302 recodified from R4-27-302 (Supp. 95-1).

#### R19-2-303. Permit Applications

- A. Any person or persons, associations, or corporation desiring to hold or conduct a horse racing meeting within the state of Arizona shall file with the Commission 10 copies of a permit application as set forth in A.R.S. § 5-107.
- B. The Department shall not issue a permit until the applicant has furnished evidence of compliance with A.R.S. § 23-901 et seq. (Workers' Compensation).
- C. Permit applicants shall submit to the Commission the names of the proposed track officials at least 60 days prior to the beginning of their meet, along with a short biographical sketch of each official not previously licensed in the same capacity by the Department.
- D. A permit application shall specify the number of races to be run on a daily basis.
- E. Racing shall be conducted only on those days granted by permit.
- F. Permit Application Time-frames.
  - 1. Administrative completeness review time-frame.
    - a. Within 728 days after receiving an application package, the Department shall determine whether the application package contains the information required by subsections (A), (B), (C), and (D).
    - b. If the application package is incomplete, the Department shall issue a written notice that specifies what information is required and return the application. If the application package is complete, the Department shall provide a written notice of administrative completeness.
    - c. The Department shall deem an application package withdrawn if the applicant fails to file a complete application package within 180 days of being notified that the application package is incomplete.
  - 2. Substantive review time-frame. Within 30 days after receipt of a complete application package, the Commission, with the recommendation of the Department, shall determine whether the applicant meets all substantive requirements and issue a written notice granting or denying a permit.
  - 3. Overall time-frame. For the purpose of A.R.S. § 41-1073, the Department establishes the following time-frames for issuing a license:
    - a. Administrative completeness review time-frame: 728 days.
    - b. Substantive review time-frame: 30 days.
    - c. Overall time-frame: 758 days.
  - 4. Renewal and temporary permit time-frames. The administrative completeness review time-frame is 30 days, the substantive review time-frame is 30 days, and the overall time-frame is 60 days, excluding time for mailing. The renewal or temporary permit is considered administratively complete unless the Department issues a written notice of deficiencies to the applicant. Temporary permits are valid until a full permit is awarded or until the Commission revokes the temporary permit.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended effective March 20, 1990 (Supp. 90-1). R19-2-303 recodified from R4-27-303 (Supp. 95-1). Amended effective January 6, 1998 (Supp. 98-1).

**R19-2-304. Permittee Responsibilities**

- A.** A permittee shall maintain the grounds in a neat, clean, and safe condition. If a steward determines that compliance does not exist, he or she shall require that the permittee immediately bring the grounds into compliance.
- B.** It shall be the responsibility of the permittee to prevent any person, corporation, firm, or association not licensed by the Department from doing or performing any act or acts at its track which requires a license under A.R.S. Title 5, Chapter 1, or under these rules.
- C.** Each permittee department head shall be responsible for seeing that his or her employees are licensed and shall furnish a list of said employees upon request.
- D.** A permittee shall take all steps necessary to deny the privileges of a license to anyone whose license has been revoked or suspended, to keep such person off the grounds of the permittee, and to prevent a person who has been ruled off from entering upon the grounds of the permittee.
- E.** No permittee or any of its employees shall obstruct in any way a representative of the Department acting in the performance of his or her duties.
- F.** No permittee shall knowingly allow on its grounds any betting or other operations in contravention of any law of the state of Arizona or of the United States.
- G.** The permittee shall forthwith report all observed violations of any racing regulation or statute to the Department and shall cooperate with the Department and state, federal, and local authorities in investigations thereof.
- H.** A permittee shall provide the following services at the track:
  1. An adequate security force whose duties shall include:
    - a. Maintaining order.
    - b. Excluding from the grounds all handbooks, touts, and operators of gambling devices.
    - c. Excluding from the grounds all persons ruled off by the stewards or the Department.
    - d. Excluding from the grounds all persons not eligible for a license, pursuant to A.R.S. § 5-108, and all other undesirables.
    - e. Reporting forthwith to the stewards any licensee who, while on the premises of the permittee, creates a disturbance, is intoxicated, interferes with any racing operation, or acts in an abusive or threatening manner to any racing official or other person.
  2. A security guard stationed at the kennel area entrance whose duties shall include:
    - a. Denying entrance to all persons not holding a license or credentials issued by the Department or a Department pass issued by the permittee.
    - b. Allowing any person seeking employment with the permittee to have access to that area for a period of one day, provided that:
      - i. Such person is given a numbered card or temporary badge.
      - ii. A list of recipients of the numbered cards or temporary badges is provided to the track office of the Department upon request.
      - iii. The numbered card or badge is retrieved by the security guard when such person leaves the restricted area.
3. A furnished office, including utilities and necessary office equipment, for the exclusive use of Department employees and officials.
4. A uniformed security official approved by the Department to be on duty in the test area during its regular business hours whose duty shall be to provide security and monitor the collection procedure and sealing of samples taken from the greyhounds.
5. Adequate space and facilities so that the testing personnel may perform inspections, tests, and other collection procedures. Access to such space shall be restricted.
6. First aid quarters to be available during racing hours.
7. A copy of all tip sheets offered for sale in the parking area or elsewhere on the grounds of the permittee to be furnished daily to the stewards not later than three hours before first post.
- I.** No tip sheets, pamphlets, or other printed matter purporting to predict the outcome of a race other than official programs and newspapers shall be sold in the betting area.
- J.** Wagering shall be conducted upon the grounds of a permittee only under the pari-mutuel method as provided by statute and these rules and by the use of such mechanical or other equipment as the Department may require. Bookmaking or betting other than by the pari-mutuel method is prohibited.
- K.** No permittee shall allow the official racing of greyhounds on any track under its control unless:
  1. All track rules shall be posted conspicuously and a copy of said rules shall be filed with the Department.
  2. The conditions of the race have been written by the racing secretary at the meeting.
  3. The entries have been made in accordance with the requirements set forth in R19-2-316.
  4. The race is programmed as a part of a regular racing card conducted under the pari-mutuel system.
  5. A simulcast originating from a racing facility within the state of Arizona may be permitted provided the out-of-state facility receiving the signal operates under the approval and regulation of an official agency of that state.
- L.** On a daily basis, and as soon as the entries have been closed and compiled and the declarations have been made, the permittee shall post a list thereof in a conspicuous place.
- M.** A list of all officials and directors of the permittee and of track and racing officials, together with such pertinent rules as the Department may designate, shall be printed on a daily racing program.
- N.** No permittee shall allow an official to act until his appointment has been approved by the Department; provided, however, that in the case of sickness or inability to act, the provisions of R19-2-309(A)(5) of these rules apply.
- O.** The permittee shall provide a photo finish and videotape device approved by the Department for the purpose of recording all official races. Said photographs and videotapes may be used to aid the stewards in determining the finishes of races. Permittees shall retain for three months all official race photographs and videotapes. The Department may require that specific photographs and videotapes be retained for a longer period of time or be transmitted to the Department for subsequent administrative or judicial proceedings.
- P.** Any automatic timing device installed by the permittee must have the approval of the Department.
- Q.** Each permittee shall furnish the Department with annual financial statements audited and certified by a firm approved by the auditor general.
  1. The audit shall be conducted in accordance with audit standards prescribed by the auditor general.

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2. The financial statements shall be prepared in accordance with generally accepted accounting practices.
  3. The following shall be submitted as information accompanying the financial statements in a form prescribed by the Department.
    - a. The total amount of salaries and bonuses expense.
    - b. Legal and accounting expense attributable to racing-related matters.
    - c. An explanation of the types of revenues and expenses classified in accounts titled "other."
    - d. Such other information as shall be requested by the Commission or Department.
  4. Financial statements of permittees granted original permits prior to July 1, 1982, shall be on a calendar year basis. Financial statements of permittees granted original permits after July 1, 1982, may be on a fiscal or calendar year basis at the discretion of the Director.
  5. Financial statements shall be submitted within 120 calendar days of the end of the fiscal or calendar year.
2. The Department may issue written instructions regarding the preparation and execution of the license application, and the instructions may be a part of or separate from the application form, or both.
  3. A schedule of license and fingerprint processing fees will be displayed prominently at each track.
  4. Each applicant 18 years of age or older shall submit to being fingerprinted. The fingerprints shall be taken by the Department or certified by a municipal police department, sheriff's office, or other recognized authority acceptable to the Department.
- C.** License applications shall be submitted to the Department office located on the grounds of a permittee or at another designated facility.
- D.** License procedure
1. A license application shall be granted or denied by a steward and transmitted to the Director.
  2. In considering each application for a license, the steward may require the applicant, as well as the applicant's endorsers, to appear before the steward and show that the applicant is qualified in every respect to receive the license requested. Ability as well as integrity shall be clearly shown by the applicant in order to receive a license.
  3. An applicant who fails to pass the test for a trainer's license must wait at least six months before retaking the test.
  4. Administrative completeness review time-frame.
    - a. Within 85 days after receiving an application package, the Department shall determine whether the application package contains the information required by subsections (B), (C), and (D)(1), (D)(2), and (D)(3).
    - b. If the application package is incomplete, the Department shall issue a written notice that specifies what information is required and return the application. If the application package is complete, the Department shall provide a written notice of administrative completeness.
    - c. The Department shall deem an application package withdrawn if the applicant or licensee fails to file a complete application package within 10 days of being notified that the application package is incomplete.
  5. Substantive review time-frame. Within five days after receipt of a complete application package, the Department shall determine whether the applicant or licensee meets all substantive requirements and issue a written notice granting or denying a license.
  6. Overall time-frame. For the purpose of A.R.S. § 41-1073, the Department establishes the following time-frames for issuing a license:
    - a. Administrative completeness review time-frame: 85 days.
    - b. Substantive review time-frame: five days.
    - c. Overall time-frame: 90 days.
  7. Temporary license time-frames. All licenses are temporary for 90 days under A.R.S. § 5-108(F). Unless the Department denies the applicant, the temporary license automatically becomes a license after 90 days. The administrative completeness review time-frame for a temporary license is one day, the substantive review time-frame is one day, and the overall time-frame is two days, excluding time for mailing. A temporary license is considered administratively complete unless the Department issues a written notice of deficiencies to the applicant.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended subsection (Q) effective June 6, 1986 (Supp. 86-3). Amended effective March 20, 1990 (Supp. 90-1).  
 Amended effective August 6, 1991 (Supp. 91-3). R19-2-304 recodified from R4-37-304 (Supp. 95-1).

**R19-2-305. Charity Races**

- A.** A permittee shall provide the Commission with:
1. The name of any nonprofit organization or corporation selected by the permittee as a charity entitled to benefit from a charity racing day or race.
  2. A list of the names and addresses of all directors, officers, and shareholders holding 10% or more of the total number of outstanding voting shares of the charitable corporation.
  3. A brief description of the purposes and activities to be benefited by monies received from the charity racing day or race.
  4. A copy of an Internal Revenue Service letter of determination qualifying the particular charity as an exempt organization or corporation for federal income tax purposes.
- B.** No permittee shall charge any expenses incurred by operation of racing against the pari-mutuel handle of a charity racing day or race except those prorated expenses incurred on the day of that particular charity racing day or race.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended effective March 20, 1990 (Supp. 90-1). R19-2-305 recodified from R4-27-305 (Supp. 95-1).

**R19-2-306. Licensing**

- A.** All persons participating in any capacity in a racing meeting, including all persons who perform services in connection with the conduct of the racing meeting, shall obtain a license from the Department, except:
1. Those persons performing services during a county fair race meet who are identified as volunteers.
  2. Any person owning less than 10% of all classifications and types of outstanding shares of stock of any permittee or licensee.
- B.** Applications
1. A person applying for a license shall complete the form prescribed by the Department. All applicants and licensees are obligated to know and follow the provisions of the rules governing racing in the state of Arizona.

**E. Denials**

1. A license may be denied if the applicant:
  - a. Habitually has been or is intoxicated or a user of narcotics within the grounds of the permittee pursuant to A.R.S. § 36-2501(A)(8),
  - b. Has failed to disclose the true ownership or interest in any greyhound.
2. Whenever a license is denied, the Department shall report the reasons for the denial in writing to the applicant and to the Association of Racing Commissioners International, Inc. and the North American Pari-mutuel Regulators Association.

**F. General requirements and restrictions**

1. A licensee who is employed in more than one category or who changes from one category to another shall be licensed in each category.
2. A licensee who is an official at different types of tracks (horse, harness, or greyhound) shall be licensed at each type of track.
3. The Department shall not license a person under 16 years of age in any capacity other than as an owner; and shall not license a person under 18 as an official, trainer, or assistant trainer. Any person under 18, licensed as an owner, shall have a parent or guardian sign the owner's license application, the parent or guardian assuming full financial responsibility for the applicant, before that person can be licensed.
4. Each license shall expire on the 31st day of January, 1996, and every third year thereafter, except that one-year licenses may be issued for mutuel workers, concession workers, lead-outs, cool-outs, and peace officers. Such licenses shall expire on the 31st day of January, 1996, and every year thereafter.
5. All persons, when present in the kennel area of a greyhound track, in paddock areas, or in any other restricted area, shall wear a photo identification badge issued by the Department or pass issued by the permittee in full view.

**G. Fees.**

	<i>1st Year</i>	<i>2nd Year</i>	<i>3rd Year</i>
1. Three-year licenses:			
a. New kennel name:	\$124	\$112	\$100
b. Owner/trainer:	\$75	\$50	\$25
c. Racing kennel, breeding farm, or other operation:	\$75	\$50	\$25
d. Owner, trainer, veterinarian, official, lessee, lessor, assistant trainer, kennel name renewal, or kennel owner:	\$36	\$24	\$12
e. Occupational license:	\$15	\$10	\$5
2. One-year license:	\$7		
3. Duplicate license:	\$5	\$5	\$5
4. Authorized agent when licensed in another category:	\$5	\$5	\$5
5. Authorized agent when not licensed in another category:	\$36	\$24	\$12

- H.** All licenses are temporary under A.R.S. § 5-108(F). The Department shall perform a background investigation, including fingerprint processing through the Department of Public Safety and the FBI, and research and review of records of the Association of Racing Commissioners International, Inc., the North American Pari-mutuel Regulators Association, information systems, courts, law enforcement agencies, and the

Department within the time-frame prescribed in R19-2-306(D)(4).

**I. Authorized agents**

1. A person may hold a license solely as an authorized agent or be licensed as an authorized agent and be licensed in another category.
2. The principal shall sign the application for a license as an authorized agent and clearly set forth the powers of the agent, including whether the agent is empowered to collect money from the permittee. The application shall be either notarized or signed in the presence of a Department employee and a copy filed with the track bookkeeper. If there is a separate power of attorney, the principal shall file a copy of the instrument with the bookkeeper and with the Department.
3. The principal shall change an agent's powers or revoke an agent's authority in writing that is either notarized or signed in the presence of a Department official, and filed with the Department and the track bookkeeper.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4). Amended subsections (G) and (I) effective January 25, 1985 (Supp. 85-1). Amended subsections (F) and (G) effective December 5, 1985 (Supp. 85-6). Amended subsections (F) and (G) effective February 19, 1987 (Supp. 87-1). Amended subsections (A) and (B) effective October 23, 1987 (Supp. 87-4). Amended subsections (E), (F) and (G) effective November 30, 1988 (Supp. 88-4). Amended effective March 20, 1990 (Supp. 90-1). Amended effective January 13, 1995 (Supp. 95-1). R19-2-306 recodified from R4-27-306 (Supp. 95-1). Amended effective January 6, 1998 (Supp. 98-1).

**R19-2-307. Kennel Names**

- A.** A licensed owner wishing to race under a kennel name shall register with the Department and shall pay the fee set forth in these rules.
1. Only owners may register or secure a license under a kennel name.
  2. A name other than the legal name(s) of the owner(s) shall be deemed to be a kennel name.
- B.** The registration referred to in paragraph (1) of this subsection shall include the identity of the individual, partnership, or corporation represented by the kennel name.
1. All persons represented by a kennel name shall have owners' licenses.
  2. All persons represented by a kennel name shall sign an authorized agent's application which appoints one person to act as the agent for the kennel name.
  3. If the kennel name represents a corporation:
    - a. The corporation shall register to do business according to the laws of the state of Arizona;
    - b. The corporation shall submit a complete list of stockholders and the number of shares owned by each stockholder whose ownership exceeds 10% of the number of shares owned by each;
    - c. The corporation shall notify the Department immediately if any change of stock ownership occurs which exceeds 10%;
    - d. The corporate name under which the corporation does business in Arizona shall be considered a kennel name for purposes of these rules.
- C.** A kennel name other than a corporate kennel name may be changed at any time by registering a new kennel name and by paying the fee set forth in these rules.



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- D. A registered kennel name may be abandoned by a licensed owner after written notice of such abandonment has been given to the Department.
- E. A kennel name must be plainly distinguishable from any other registered kennel name.
- F. A licensed owner shall not register as his or her kennel name:
  - 1. One which the Department determines to be misleading to the public; or
  - 2. One which the Department determines to be unbecoming to the sport.
- G. A licensed owner shall not be a party to more than one kennel name at one time.
- H. A licensed owner shall not use his legal name for racing purposes if he or she has a registered kennel name within the state of Arizona.
- I. Only one kennel shall be registered under a kennel name.
- J. All persons represented by or operating under a kennel name shall be liable for all entry fees and penalties against the kennel.
- K. The kennel name shall be carried on the official program as the name of the owner.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
Amended effective March 20, 1990 (Supp. 90-1). R19-2-307 recodified from R4-27-307 (Supp. 95-1).

**R19-2-308. Owners, Kennel Owners, and Trainers**

- A. Owners, kennel owners, and trainers are obligated to know the Rules of Racing as adopted by the Commission.
- B. Owners, kennel owners, trainers, and their employees shall accept the decisions of the stewards on all questions to which the stewards' authority extends, subject to the right of appeal to the Department pursuant to R19-2-322.
- C. When a trainer and assistant trainer are to be absent from the kennel or grounds where greyhounds are racing, they shall provide a licensed trainer or assistant trainer to assume complete responsibility for all greyhounds under their care, and they shall both sign a "Trainers' Responsibility Form" which must be approved by the stewards.
- D. No owner, kennel owner, trainer, assistant trainer, race track employee, or other person shall accept directly or indirectly any bribe, gift, or gratuity in any form which intends to or might influence the results of any race.
- E. Every kennel owner or trainer who does not have his or her greyhound at the weighing-in room promptly at the time appointed shall have such greyhound scratched; in addition, said kennel owner or trainer may be liable for a civil penalty.
- F. Trainers shall report greyhounds under their care or supervision that are off racing form or are in poor physical condition to the racing secretary, who shall immediately notify the stewards. Greyhounds so reported shall not be eligible to enter or to start until approved by the track veterinarian and schooled to the satisfaction of the stewards. Violators of this rule may be subject to a civil penalty, suspension, or to ruling off.
- G. No medicine, antiseptic, fluid, or any matter containing any color causing the marring of identification marks shall be used on any part of a greyhound.
- H. Any owner, kennel owner, trainer, or other person interested in any greyhound or greyhounds at a meeting licensed by the Commission, who shall bet with or through any handbook, shall be ejected from the grounds of the permittee and shall be refused admission to the grounds of all other licensed permittees in the state of Arizona. In the case of the owner of any greyhound, the entries of said owner shall be refused for all Arizona tracks.
- I. All owners, kennel owners, and trainers of greyhounds and their employees are subject to the laws of the state of Arizona and to the rules adopted by the Commission immediately upon making entry to run on a track in Arizona.
- J. No licensed trainer shall have any ownership interest in a greyhound of which he or she is not the trainer located at the same track. For purposes of this rule, a reversionary interest in a greyhound, pursuant to a lease or other agreement which transfers control of the greyhound, is not to be considered an "ownership interest."

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
Amended effective November 30, 1988 (Supp. 88-4).  
Amended effective March 20, 1990 (Supp. 90-1). R19-2-308 recodified from R4-27-308 (Supp. 95-1).

**R19-2-309. Officials**

- A. Generally
  - 1. The term "track official" means the following persons employed by the permittee and approved and licensed by the Department: Director of Racing, one steward, mutuel manager, clerk of scales, starter, timer, paddock judge, veterinarian, track superintendent, racing secretary, chart writer, kennel master, and operator of the mechanical lure.
  - 2. The following shall be the "Department officials" appointed by the Department as their representatives: two stewards, state mutuel supervisor, a Department veterinarian, and an investigator.
  - 3. One person may serve in more than one official position if such person can do so without detriment to any of the other positions, and if such person has the consent and approval of the Department, provided that neither the racing secretary nor the permittee director of racing may serve as a steward.
  - 4. In all rulings by the stewards, majority of the stewards is deemed to be controlling.
  - 5. Vacancies:
    - a. When a vacancy occurs among officials other than stewards, the stewards shall fill the vacancy prior to post time of the first race of the day or when the vacancy occurs. The appointment shall be effective only for the day unless the permittee fails to fill the vacancy on the following day and has notified the stewards of its action not less than one hour before the post time of the first race of the following day. Such an appointment shall be reported promptly to the Department.
    - b. If a vacancy occurs among the stewards, the stewards present shall appoint one or two persons to serve as temporary stewards. Appointments made under this rule shall be reported in writing to the Department.
    - c. In case of emergency, the stewards may appoint a substitute to fill a vacancy for that emergency only.
  - 6. Minors shall not be licensed as officials.
  - 7. No one interested in the result of a race because of ownership interest in any entered greyhound, bets, or in any other manner shall act as an official at the meeting.
- B. Prohibited acts
  - 1. No official or his or her assistant shall purchase mutuel tickets on races.
  - 2. No official or his or her assistant shall consume alcoholic beverages while on duty.
  - 3. No licensee or race track employee shall accept, either directly or indirectly, any bribe, gift, or gratuity in any

form which is intended to or might influence the results of any race or the conduct of any racing meeting.

4. No official or employee shall write or solicit dog insurance at any meeting.

**C.** Each official and employee shall report all observed violations of these rules to the stewards.

**D.** Complaints

1. Any grievance or complaint against a track official, an employee of the permittee, or a licensee shall be made in writing within five days of the alleged objectionable act or behavior. The grievance or complaint shall be made to the stewards, who shall consider the matter, take whatever action is deemed to be appropriate, and make a full report of their action to the Department.
2. Any grievance or complaint against an official or employee of the Department shall be reported in writing within five days of the alleged objectionable act or behavior. The grievance or complaint shall be made to the Deputy Director of the Department who shall refer the matter to the Department.
3. The Department reserves the right to demand a change of any official or employee for good cause.

**E.** Stewards

1. Two stewards appointed by the Director and one steward appointed by the permittee and licensed by the Director shall supervise each racing meeting.
  - a. Stewards' duties shall include being in attendance at the office of the racing secretary or on the grounds of the permittee on any day in which entries are being taken or racing is being conducted and representing the Department in all matters pertaining to the interpretation of the rules adopted by the Department.
  - b. The stewards shall advise the Director of all rulings and hearings held.
  - c. If a steward is unable to perform his or her duties for an extended period of time, he or she shall immediately notify the Director of that fact so that an alternate steward may be named to act in his or her place.
2. The stewards shall enforce the rules and statutes of the state of Arizona.
3. The stewards shall have the power to interpret the rules and to decide all questions not specifically covered by said rules. In all such interpretations, the orders of the stewards shall supersede the orders of the permittee.
  - a. The stewards shall have control over and shall have free access to all stands, enclosures, and all other places within the grounds of the permittee.
  - b. The stewards shall investigate and render a decision promptly on each objection properly made to them pursuant to R19-2-320 of these rules. Each ruling shall be signed by a majority of the stewards.
  - c. The stewards shall supervise all entries and declarations. They may refuse entries or the transfer of any entries for violations of the rules or of the statutes.
  - d. The stewards shall have the power to regulate and control the conduct of all officials and all other persons attending or participating in any manner in a racing meeting.
  - e. The stewards, in order to maintain necessary safety and health conditions and to protect the public confidence in greyhound racing as a sport, shall have the right to authorize a person or persons in their behalf to enter into or upon the buildings, kennels, rooms, motor vehicles, trailers, or other places within the

grounds of a licensed race track, to examine same, and to inspect and examine the person, personal property, and effects of any person within such place, and to seize any items prohibited under R19-2-311(5) and (6) or any other illegal article.

- f. The stewards may impose a civil penalty in an amount not exceeding \$500 on any person subject to their control for violation of these rules. In addition, after a hearing pursuant to subsection (E)(6), the stewards may suspend, for a period of time up to 60 days, any person violating any of these rules and may rule off licensees violating any of these rules. Nothing in these rules shall prevent the stewards from imposing both a civil penalty and suspension for the same violation. The stewards may refer any ruling made by them to the Director recommending further action, including the revocation of a license suspended by them.
  - g. In all cases where laboratory reports or other evidence shows the administration or presence of a foreign substance, the stewards shall immediately investigate the matter, disqualify the greyhound, may suspend the trainer or other person(s) involved, refer the matter to the Director, and may impose a fine.
  - h. Every person or entry expelled or ruled off by any recognized racing authority for corrupt or fraudulent or improper practice or conduct is ruled off wherever these rules have force.
  - i. When a person has been suspended, every greyhound wholly or partly owned by him or her shall also be ruled off or expelled, so long as his or her suspension continues. He or she shall not be qualified, whether acting as agent or otherwise, to subscribe for, or to enter or to run any greyhound in any race, in either his or her own name or that of any other person, and no greyhound of which he or she is wholly or partly the owner, or which is under his or her care, management, training, or supervision, or in the winnings of which he or she has any interest, shall be qualified to be entered to run in any race. If an entry from any person, or of any greyhound that stands ruled off or expelled, is received, such entry shall be void, and any entry or subscription money is forfeit. Any money or prize won under said entry shall be returned.
4. The stewards may excuse a greyhound that has left the paddock for the post if they consider such a greyhound to be crippled, disabled, or unfit to run.
  5. The stewards shall determine the finish of a race by the relative position of the muzzles or noses of each greyhound. They shall immediately notify the permittee parimutuel department of the numbers of the first four greyhounds.
    - a. The stewards shall promptly display the numbers of the first three greyhounds in each race in order of their finishes. If the stewards differ in their placing, the majority shall prevail.
    - b. The stewards may consult the photo finish device provided by the permittee to aid them in determining the finish of a race.
      - i. In any instance where the pictures furnished are not adequate or usable, the decision of the stewards shall be final and need not be governed in any manner by the photograph.

- ii. If it is considered advisable to consult a picture from the finish camera, the stewards may post such placements as are in their opinions unquestionable without waiting for a picture. After consulting the picture they may make the other placements. In no case, however, shall the race be declared official until the stewards have determined the greyhounds finishing first, second, and third.
  - c. Nothing in these rules shall be construed to prevent the stewards from correcting an error before the display of the sign "official" or from recalling the sign "official" in case it has been displayed through error.
  - 6. When the stewards have reason to believe that a rule has been violated by any person, the procedure shall be as follows:
    - a. The person shall be summoned to a hearing at which all stewards shall be present.
    - b. Twenty-four-hour notice of said hearing shall be given to the person in writing on a form supplied by the Department. This notice shall be timed and dated, and the person notified shall sign it. The original shall remain with the stewards and shall be part of the case file. A copy shall be given to the person summoned.
    - c. No penalty shall be imposed until such hearing.
    - d. Nonappearance of the summoned party after adequate notice shall be construed as a waiver of the right to a hearing before the stewards.
    - e. The person summoned shall be permitted to present witnesses on his or her own behalf.
    - f. If there is substantial evidence to find a violation of these rules, appropriate action, including suspension or civil penalty or both, shall be taken by the stewards. The stewards shall promptly forward their written decision or ruling to the Director and to the party in question.
    - g. In the interest of the health, safety, and welfare of the people of the state of Arizona, the stewards may summarily declare a grey hound scratched and may suspend a license pending a stewards' hearing.
    - h. Any license suspended by the steward shall be recovered and forwarded to the Department.
    - i. All matters within their jurisdiction shall be determined by a majority vote of the stewards.
    - j. The stewards shall have the power to modify, change, or remit any ruling imposed by them.
    - k. Civil penalties imposed by the stewards shall be paid to the Department promptly for deposit with the state treasurer.
  - 7. During the term of suspension of any owner, trainer, or other person on any track under the jurisdiction of the Department, it shall be the duty of the stewards and of the permittee to see that the ruling against the offender is enforced.
- F. Racing secretary**
- 1. The duties of the racing secretary shall include:
    - a. Reporting to the stewards all violations of these rules or of the rules of the permittee which come to the racing secretary's attention.
    - b. Keeping a complete record of all races.
  - 2. The racing secretary or authorized representative shall inspect all papers and documents dealing with owners and trainers, partnership agreements, appointments of authorized agents, and adoption of kennel names. The racing secretary may demand production of such documents and papers in order to satisfy the racing secretary as to their validity and authenticity and to ensure that the rules have been complied with.
- 3. The racing secretary shall write the conditions of all races and shall publish them sufficiently before closing time for entries to allow them to be read by all owners and trainers. Conditions may not be altered after the time set for closing and shall not conflict with racing rules.
  - 4. The racing secretary shall act as the official handicapper in all races.
  - 5. The racing secretary shall determine the character and condition of substitute and extra races, and the stewards shall approve them.
    - a. No substitute or extra races shall carry less guaranteed purse than the race which they replace.
    - b. If a race is canceled or declared off, the racing secretary may split any race programmed for the same day which previously may have been closed.
  - 6. The racing secretary or his or her designee shall conduct the drawing of all races and immediately thereafter shall post an overnight listing of the greyhounds in each race.
  - 7. The racing secretary shall not allow any greyhound to start in a race unless the greyhound is entered in the name of the legal owner and unless the owner's name appears on the registration papers or on a legal lease or bill of sale attached to the registration papers.
- G. Assistant racing secretary.** The duty of the assistant racing secretary shall be to assist the racing secretary in the performance of the racing secretary's duties and under the racing secretary's supervision.
- H. Starter**
- 1. The starter shall have:
    - a. Complete jurisdiction over the starting of any field of greyhounds, authority to give orders necessary to ensure a fair start, and authority to recommend to the stewards the fining or suspension of any person violating his or her orders.
    - b. The greyhound shall be started from a type of starting box approved by the Department, and there shall be no start until, and no recall after, the doors of the starting box have opened. The starter shall report causes of delay, if any should occur, to the stewards.
    - c. A false start, due to any faulty action of the starting box, break in the machinery, or other cause, is void. The greyhounds may be started again as soon as practicable, or the race may be canceled at the discretion of the stewards.
- I. Clerk of the scales**
- 1. The duties of the clerk of the scales shall include:
    - a. Weighing all greyhounds in and out.
    - b. Posting of scale sheet of weights promptly after weighing.
    - c. Preventing any greyhound from passing the scales or running with an overweight or an underweight of more than 1 1/2 pounds. The clerk of scales shall promptly notify the paddock judge, who will report to the stewards any infraction of the rules as to weight or weighing.
    - d. Reporting all late scratches and weights on a bulletin board located in a place conspicuous to the wagering public.
  - 2. The clerk of the scales shall report to the stewards any violations of weight rules or any attempt to alter specified weights.
  - 3. All greyhounds shall be weighed in and weighed out with the muzzle, collar, and lead strap.

4. The clerk of scales shall keep a list of all greyhounds known as "weight losers" and he or she shall notify the presiding steward as to the weight loss before each race.
- J. Paddock judge**
1. Identification of greyhounds:
    - a. It shall be the duty of the paddock judge to check all greyhounds for each race.
    - b. No greyhound shall be permitted to start in a schooling or purse race that has not been fully identified and checked against the card index system of identification maintained by each permittee. The identification cards shall be filled in and completed by the paddock judge before greyhounds are entered for schooling or for a purse race.
    - c. Each permittee shall keep and maintain a card index system of identification of each greyhound racing at the meeting. The cards shall show the names of the owner and trainer, breeding, weight, color, sex, and the characteristic markings, tattoos, and scars, and other identification features peculiar to the greyhound.
  2. Under the supervision of the paddock judge, the kennel master shall unlock the kennels immediately before weigh-in time to see that the kennels are in perfect repair and that nothing has been deposited in any of the kennels for the greyhound's consumption. He or she shall see that the kennels are sprayed, disinfected, and kept in proper sanitary condition. He or she or his or her assistant must receive the greyhounds from the trainer, one at a time, see that the greyhounds are placed in their kennel, and remain on guard from that time until the greyhounds are removed for the last race.
  3. As each greyhound is weighed in there shall be an identification tag attached to its collar indicating the number of the race in which the greyhound is entered and its post position. This tag shall not be removed until the greyhound has been weighed out and blanketed.
  4. The paddock judge shall not allow anyone to weigh in a greyhound for racing unless he or she has in his or her possession a valid owner's, trainer's, or assistant trainer's license issued by the Department.
  5. After the greyhounds are placed in the lockout kennels no person other than the kennel master, racing officials, person or persons approved by the Department, or designated representatives of the Department shall be allowed in or near the lockout kennels.
  6. The paddock judge shall carefully compare the identification card with the greyhound while in the paddock before post time.
  7. Before leaving the paddock for the starting box, every greyhound must be equipped with a regulation muzzle and blanket. The muzzles and blankets used shall be approved by the paddock judge and shall be carefully examined by him or her in the paddock before the greyhound leaves for the post.
  8. The paddock judge shall keep on hand, ready for use, extra muzzles of all sizes, lead straps, and collars.
  9. The paddock judge shall report all corrupt practices and irregularities to the stewards.
- K. Timer**
1. The timer shall accurately record the official time of each race, which shall be taken from the opening of the doors of the starting box. This position may be combined with that of steward.
  2. Each permittee shall be required to install an automatic timing device approved by the Department. The timer shall use the time shown on the timing device as the official time of the race if he or she is satisfied that the timing device is functioning properly. Otherwise he or she shall use the time shown on the stopwatch which he or she shall operate. When the stopwatch time is used as the official time of the race, it shall be so announced to the public.
- L. Chart writer**
1. The chart writer shall compile the information necessary for a program which shall be printed for each racing day and shall contain the names of the greyhounds that are to run in each of the races for that day. These names shall appear in the order of their post positions, the said post positions to be designated by numerals placed at the left and in line with the names of the greyhounds in each race, which numerals shall also be prominently displayed on each greyhound.
  2. All past performances as shown in the program shall be in order of the races or official schoolings held, the last performance appearing on the first line, etc.
  3. Program or form sheet must also contain name, color, sex, date of whelping, breeding, established racing weight, number of starts in official races and number of times finishing first, second, and third, name of owner and trainer, distance of race, track record, and such other information as will enable the public to properly judge the greyhound's ability.
  4. In case the name of a greyhound is changed, the new name, together with the former name, shall be published in the official entries and program until after the greyhound has started three times.
- M. Veterinarians**
1. There shall be two official veterinarians, approved by the Department and licensed to practice veterinary medicine in the state of Arizona. One veterinarian shall be employed by the permittee and one veterinarian shall be employed by the Department.
  2. The Department veterinarian shall be in charge of all sample collection.
  3. The track veterinarian shall be present during all official races and all official schooling races and shall observe each greyhound as it enters the lockout kennel, examine it when it enters the paddock prior to the race, and recommend to the stewards that any greyhound be scratched which he or she deems unsafe to race or physically unfit to produce a satisfactory effort in a race.
  4. The track veterinarian shall place any greyhound deemed unsafe, unsound, or unfit on a suspension list which shall be posted in a conspicuous place available to all owners, trainers, and officials.
  5. Once a greyhound has been placed on a suspension list, it may be allowed to race only after it has been removed from the list by the track veterinarian with the approval of the Department veterinarian.
  6. The Department veterinarian shall inspect and report to the Department on each and every kennel where greyhounds are kennelled at the track of the permittee. These inspections shall be made at such times as the Department shall specify and the report filed with the Department shall cover the general physical condition of the dogs, sanitary conditions of the kennels, segregation of bitches in season, segregation of sick dog, the types of medicine found in use, and any other matters or conditions which he or she deems worthy of note.
  7. The entry of any greyhound on the veterinarian's list may be accepted only after approval by the track and Department.

ment veterinarian and after three calendar days from the date placing of the greyhound on the veterinarian's list have elapsed.

8. Every veterinarian licensed by the Department shall keep a written record of their practice on the grounds of a permittee relating to greyhounds participating in racing.
  - a. This record shall include:
    - i. The name of the greyhound treated.
    - ii. The nature of the greyhound's ailment.
    - iii. The type of treatment prescribed and performed for the greyhounds.
    - iv. The date and time of such treatment.
  - b. This record shall be kept for practice engaged in at all licensed tracks.
  - c. This record shall be produced without delay upon request of the stewards or the Department.
  - d. Veterinarians engaged in private practice on tracks under the jurisdiction of the Department shall be licensed by both the Arizona State Board of Veterinarian Medical Examiners and the Department.
  - e. Only veterinarians licensed by the Department shall administer to or prescribe for greyhounds on the premises of any permittee except in case of emergency.
  - f. All new and experimental medications and drugs used on the grounds shall be approved by the Department, acting on the recommendation of the Department veterinarian.

#### Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).  
Amended subsections (A) and (E) effective November 30, 1988 (Supp. 88-4). Amended effective March 20, 1990 (Supp. 90-1). R19-2-309 recodified from R4-27-309 (Supp. 95-1). Amended effective August 7, 1996 (Supp. 96-3).

#### R19-2-310. Lead-outs

- A. Owners, trainers, or attendants shall not be allowed to lead their greyhounds from the paddock to the starting box except in schooling races. The greyhounds shall be led from the paddock to the starting box by lead-outs provided by each permittee and licensed by the Department.
  1. Lead-outs shall be assigned to post position by the paddock judge or his or her designee by lot before the first race of each race program; a record thereof shall be maintained.
  2. Lead-outs shall be required to present a neat appearance and conduct themselves in an orderly manner and must be attired in clean uniforms provided by the permittee.
  3. The lead-out shall handle the greyhound in a humane manner, put the greyhound in its proper box before the race, and then retire to an assigned place.
- B. Lead-outs are prohibited from holding any conversation with the public either in the paddock, en route to the starting post, or while returning to the paddock.
- C. No lead-out shall be permitted to have any interest in the greyhounds racing for said permittee.
- D. Lead-outs are prohibited from wagering on the result of any greyhound racing at the track to which they are assigned.

#### Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).  
Amended effective March 20, 1990 (Supp. 90-1). R19-2-310 recodified from R4-27-310 (Supp. 95-1).

#### R19-2-311. Prohibited Acts

Generally:

1. No licensee shall enter, cause, or permit to be entered or to start a greyhound which he or she knows or has reason to believe should be disqualified.
2. No veterinarian licensed to practice on a track under the jurisdiction of the Department shall own, lease, or train greyhounds racing at the track on which he or she practices.
3. No person shall participate in any unauthorized race on a track while a racing meeting is in progress.
4. No person shall offer or receive any money or other consideration for declaring any entry out of a purse or stakes race.
5. No person shall possess, within the grounds of any permittee, any electrical, mechanical, or other device, other than ordinary equipment, which may be used to affect the speed or racing condition of a greyhound. Such possession includes, but is not limited to, possession:
  - a. On the person,
  - b. In living or sleeping quarters,
  - c. In an assigned kennel, feed room, or other area,
  - d. In a motor vehicle or trailer.
6. No person other than a physician or veterinarian licensed by the Department may possess, within the grounds of any permittee, any foreign or prohibited substance, injectable vial, hypodermic needle, syringe, or any other instrument which might be used for injection, without written permission of the stewards. Such possession includes, but is not limited to, possession:
  - a. On the person,
  - b. In living or sleeping quarters,
  - c. In an assigned kennel, feed room, or other area,
  - d. In a motor vehicle or trailer.
7. No licensee listed in A.R.S. § 5-104 shall apply, inject, inhale, ingest, or in any way use any prohibited substance while on permittee grounds, unless, upon the request of a steward, a licensee can produce evidence that the possession or use of a prohibited substance is pursuant to a lawfully issued prescription.
8. No licensee or race track employee shall accept, either directly or indirectly, any bribe, gift, or gratuity in any form which is intended to or might influence the results of any race or the conduct of any racing meeting.
9. No licensee, while on the premises of the permittee, shall create a disturbance, be intoxicated, interfere with any racing operation, or act in an abusive or threatening manner to any racing official or other person.
10. No person other than a veterinarian licensed by the Department shall administer to or prescribe for greyhounds on the grounds of any permittee.
  - a. Reports of any drugs or treatments prescribed or administered at the track shall be made to the Department in a manner it shall set forth.
  - b. Notwithstanding the provisions of subsection (10), any veterinarian may treat a greyhound if an emergency involving the life or health of such greyhound exists.
11. Notwithstanding the provisions of subsection (16)(a), no person shall administer or cause to be administered to any greyhound entered in a race any foreign substance, internally or externally, in the 24-hour period prior to the scheduled post time for the first race of the day in which the greyhound is to run.
12. The Racing Commission has established permissible trace levels of the following foreign substances as defined by R19-2-302(18).

- a. The trace level of procaine shall not exceed 6 micrograms per milliliter in the urine of the greyhound.
  - b. The trace level of barbiturates shall not exceed one microgram per milliliter in the urine of the greyhound.
- 13. No person shall run in a race a greyhound which is desensitized at the time of arrival at the paddock by applying cold, chemical, or mechanical freezing devices.
- 14. Any person licensed by the Department found guilty of using live rabbits, cats, or fowl in the training of racing greyhounds may be fined or suspended or both by the stewards, who shall report all such cases to the Department.
- 15. Any licensee who refuses to make payment for financial obligation incurred in connection with racing in this state may be subject to license suspension by the Department.
- 16. Test samples.
  - a. Animal testing.
    - i. Any greyhound in any race may be subjected by the order of a steward or Department veterinarian to urine, blood, or other tests for the purpose of determining the presence of any foreign substance.
    - ii. Samples of urine, blood, or other test substances shall be taken by persons approved by the Department.
    - iii. A steward may authorize the splitting of any sample.
    - iv. The Department veterinarian may require blood or urine samples to be stored in a frozen state for future analysis.
    - v. The owner, trainer, or their representative may be present at all times during the taking and sealing of such tests and samples.
    - vi. Documents evidencing the procedure shall be signed by the owner, trainer, or assistant trainer.
  - b. Human testing.
    - i. As set forth in A.R.S. § 5-104(C) and subsection (7), licensee shall immediately submit to blood, urine, or other tests ordered by the stewards, if the stewards have reason to believe said licensee is under the influence of or in possession of any prohibited substance or has consumed alcohol in violation of subsection (9).
    - ii. A test sample shall be taken in the presence of a steward or the steward's designee, submitted in a container furnished by the Department and immediately sealed by the steward or steward's designee in the presence of the licensee being tested.
    - iii. The container shall be marked with the following items:
      - (1) Sample identification number;
      - (2) Time, date, and location where the sample was given; and
      - (3) The signature of Department personnel sealing the container.
    - iv. The container shall be submitted to a Department-approved laboratory for analysis of the sample, in order to determine the presence of alcohol or any substance.
    - v. If laboratory analysis indicates the presence of any prohibited substance in the tested licensee's sample, for which no law fully issued prescription exists, said licensee may be subject to license suspension or revocation or civil penalties, as set forth in R19-2-309(E)(3)(f) and A.R.S. § 5-108.05(A).
- vi. Test results and information obtained during the testing process shall be accessible only to members of the Commission, the Director or designees of the Director, and the tested licensee and shall be kept in a locked, secured area of the Department office.
  - vii. Compliance with these rules shall be prima facie evidence that the chain of custody of the test samples is secure, and the results of such tests shall be admissible in any administrative procedure of the Department or Commission.
- 17. The trainer, assistant trainer, and any other person who is charged with the custody and care of a greyhound are required to protect and guard the greyhound against the administration, either internally or externally, of any foreign substance. A positive test indicating the presence of any foreign substance (except as set forth in subsection (12)) shall give rise to a presumption that the persons referred to in this subsection have failed to meet the duties imposed upon them.
- 18. No person shall interfere in any manner with the collection or procedures conducted under this subsection.
- 19. The owner of any greyhound disqualified in a race because of an infraction of these rules shall forfeit and return any portion of the purse or stakes and any trophy received from such race and shall forfeit any entry or subscription money.
  - a. Any winnings which are forfeited pursuant to this subsection shall be redistributed among the remaining entries in the race entitled thereto.
  - b. Any greyhound shall be disqualified and may be declared unplaced for every purpose except parimutuel wagering if the chemical analysis performed pursuant to subsection (16)(a) of this Section indicates the presence of any foreign substance.

#### Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).

Amended effective November 30, 1988 (Supp. 88-4).

Amended effective March 20, 1990 (Supp. 90-1). R19-2-311 recodified from R4-27-311 (Supp. 95-1). Citations corrected in subsections 12 and 17 at the request of the Arizona Department of Racing (Supp. 96-4).

#### R19-2-312. Registration and Transfers

- A. The National Greyhound Association of Abilene, Kansas, shall be recognized as the official breeding registry of all greyhounds. The Greyhound Publications, Inc., Information System shall be recognized as the official recordkeeping agency of all greyhound performances and shall maintain the past performance lines on every greyhound raced at an official track licensed by a racing jurisdiction. The Department may certify any greyhound whose act of registration with the approved registry is attributable to arbitrary, discriminatory, or other unreasonable action or inaction on the part of such agencies.
- B. If for any reason the Greyhound Information System ceases operation, the kennel owner will be solely responsible for furnishing the racing secretary with the last six past performance lines when applicable.
- C. The registry and recordkeeping agency shall be self-funding, insofar as is practicable, and shall be authorized to charge reasonable fees for their services to attain this objective.
- D. A greyhound shall not be entered for racing or schooling at any official track unless it has been tattooed and registered in

the NGA stud book and unless the last six performance lines, if applicable, and the racing history of the greyhound, are made available to the racing secretary from the Greyhound Information System.

- E. The NGA breeding registry shall furnish the necessary and proper information to the Greyhound Information System when such grey hounds are registered and named. A reasonable fee per start shall be deducted from the weekly purses by the track and paid to the Greyhound Information System.
- F. Every official track shall submit a copy of the official chart of each of its races to the Greyhound Information System.
- G. The Department shall have access at all times to the NGA Breeding Registry and transfer files and to the Greyhound Publications, Inc., Information System.
- H. In case of emergency, authority to sign declarations of partnerships shall be given to the racing secretary by a telegram promptly confirmed in writing.
- I. The part owner of any greyhound cannot assign his or her share or any part of it without the written consent of the other partners, the said consent to be filed with the racing secretary.
- J. A certificate of registration for each greyhound shall be filed with the racing secretary at the race track where said greyhound is to be schooled, entered, or raced.
- K. All certificates of registration shall be available at all times for inspection by the stewards.
- L. All transfer of any title to, leasehold in, or other interest in greyhounds schooled, entered, or racing at any track under the jurisdiction of the Department shall be registered and recorded with the National Greyhound Association of Abilene, Kansas.
- M. No title, leasehold, or other interest in any greyhound shall be recognized by the Department until such title, leasehold, or other interest shall be evidenced by written instrument duly filed with and recorded by the National Greyhound Association of Abilene, Kansas. Certified copies thereof shall be filed with the Department and the racing secretary at the race track where said greyhound is to be schooled, entered, or raced.
- N. Whenever a greyhound is sold or transferred, or any interest in a greyhound is sold or transferred, during a meeting and after the greyhound has been registered in for the meeting, a copy of the bill of sale shall be filed with the racing secretary and forwarded by him or her to the Department.
- O. When a greyhound is sold with its engagements, or any part of them, the seller cannot strike it out of any such engagements. In all cases of sale by private treaty, the written acknowledgment of both parties that the greyhound was sold with the engagements is necessary to entitle the seller or buyer to the benefit of this rule. If certain engagements are specified, only those are sold with the greyhound. When the greyhound is sold by public auction, the advertised conditions of the sale are sufficient evidence, and if certain engagements are specified, only those are sold with the greyhound.
- P. If a greyhound is sold to a disqualified person, said greyhound's racing engagements shall be void as of the date of sale.
- Q. In case of transfer of a greyhound with its engagements, such greyhound shall not be eligible to start in any stakes, unless at the usual time of the running of the stakes or prior thereto the transfer of the greyhound and its engagements shall be exhibited, when demanded, to the racing secretary.
- R. No transfer of a greyhound or engagement may be made for the purpose of avoiding disqualification. The person(s) making or receiving such transfer may have a civil penalty invoked or ruled off.
- S. All partnerships shall be registered with the Department, and the name and address of every person having interest in a greyhound, the relative proportions of such interest, and the terms

of any sales with contingencies or arrangements must be signed by all parties or by their authorized agent and shall be filed with the racing secretary. This copy shall be transmitted immediately before the opening of the racing meeting to the office of the Department. All persons and each of them shall be jointly and severally liable for all stakes and forfeits.

- T. All statements of partnerships, of sales with contingencies, or of arrangements, shall declare to whom winnings are payable, in whose name the greyhound shall run, and with whom the power of entry or declaration of forfeit rests, and a copy of the information shall be transmitted immediately to the Department.

#### Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).

Amended effective March 20, 1990 (Supp. 90-1). R19-2-312 recodified from R4-27-312 (Supp. 95-1).

#### R19-2-313. Leases

- A. The lessee of a greyhound shall file a copy of the National Greyhound Association lease agreement with the Department. The lease agreement shall include:
  1. The name of the greyhound,
  2. The name and address of the owner,
  3. The name and address of the lessee,
  4. The kennel name, if any, of each party,
  5. The terms of the lease.
- B. No corporation having more than 10 stockholders who are the registered or beneficial owners of stock or membership in the corporation shall lease any greyhound owned or controlled by it to any person or partnership for racing purposes.
- C. No owner's license shall be granted to a lessee of any corporation referred to in subsection (B) of this Section.
- D. A corporation which leases greyhounds for racing purposes in this state, its stockholders, and its members shall file with the Department, upon request, a report containing such information as the Department may specify. More than one owner may be indicated on the program by the use of the name of one owner and the phrase "et al."

#### Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).

Amended effective March 20, 1990 (Supp. 90-1). R19-2-313 recodified from R4-27-313 (Supp. 95-1).

#### R19-2-314. Weights and Weighing

- A. All greyhounds shall be weighed in not less than one hour before the time of the first race of the day.
- B. Before any greyhound is allowed to school or to race at any track, the owner or trainer shall establish the racing weight with the clerk of scales of each greyhound he or she enters.
- C. At weighing-in time, should there be a variation of more than 1 1/2 pounds either way from the greyhound's established weight, the stewards shall order said greyhound scratched.
- D. At weighing-out time, if a greyhound loses weight in excess of two pounds while in the lockout kennels, the stewards shall order said greyhound scratched. However, upon opinion from the veterinarian that such loss of weight while in the lockout kennels does not impair the racing condition of the greyhound, the stewards may allow said greyhound to race.
- E. The weight regulations provided in subsections (A), (B), (C) and (D) above shall be printed in the daily program.
- F. The established racing weight may be changed from time to time on written request of the owner or trainer and by consent of the stewards, provided such change is made four calendar days before the greyhound is allowed to race at the new weight.

1. All greyhounds having established weight change of more than one pound shall be schooled at least one or more times at the discretion of the stewards at the new established weight before being eligible for starting.
  2. Greyhounds that have not raced or schooled officially for a period of three weeks shall be allowed to establish new racing weight with the consent of the stewards and shall be schooled officially immediately upon receipt of said consent.
- G.** The stewards shall have the privilege of weighing a greyhound entered in a race at any period from the time it enters the lock-out kennel until post time.
- H.** Immediately after being weighed in, the greyhounds shall be placed in lockout kennels under the supervision of the paddock judge and no owner or other person excepting the paddock judge, veterinarian, kennel master, clerk of scales, lead-out, steward, or Department representative shall be allowed in or near the lockout kennels.

#### Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).  
Amended effective March 20, 1990 (Supp. 90-1). R19-2-314 recodified from R4-27-314 (Supp. 95-1).

#### R19-2-315. Schooling

- A.** All official schooling races shall be at a distance not less than the distance nearest to 5/16 mile in use at the track.
- B.** Each official schooling race shall consist of at least six greyhounds. However, if this condition creates a hardship, less than six may be schooled with the permission of the stewards.
- C.** No hand schooling will be considered official.
- D.** Any greyhound that has not raced for a period of 10 racing days or more shall be officially schooled at least once at its racing weight before being eligible for entry.
- E.** All greyhounds in official schooling races shall be raced at their established racing weight and shall be started from the box wearing blankets.
- F.** Any owner, trainer, or authorized agent licensed by the Department who has greyhounds under his or her care and management that are booked to race on tracks licensed by the Commission, and who permits said greyhounds to be officially schooled on any track in Arizona or elsewhere which is not approved by the Commission during these bookings, shall be subject to the immediate revocation of his or her license.
- G.** Any greyhound may be ordered on the official schooling list by the stewards at any time for good cause and shall be schooled officially and satisfactorily before being allowed to enter a race.
- H.** Each permittee shall provide a photo finish camera approved by the Department to be in operation at all official schooling races.
- I.** Each permittee shall make provision for an adequate number of official schooling races, to be run both before and during the meeting, to allow for the qualification of older greyhounds. Each permittee shall make provision for an adequate number of official schooling races for the training of pups. Each pup never having started shall be entitled to run its first two schooling races out of a box in a four-dog race.
- J.** Any greyhound that fails to meet the qualifying time as established shall not be permitted to start other than in futurity or stakes races.
- K.** Official schooling shall be maintained throughout the meeting up to at least one week prior to the closing date thereof.
- L.** Distance of official schooling races and number of greyhounds shall appear on the Form chart.
- M.** All greyhounds running in a hurdle race shall be officially schooled over the hurdles.
- N.** Only two official schooling lines shall be required for greyhounds in futurity races.
- O.** No greyhound on the veterinarian's list or stewards' suspension list shall school officially except as set forth in R19-2-317(E)(6).

#### Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).  
Amended effective March 20, 1990 (Supp. 90-1). R19-2-315 recodified from R4-27-315 (Supp. 95-1).

#### R19-2-316. Entries and Subscriptions

- A.** Condition for entry
1. No greyhound shall be entered in a race unless the full name of every person having an ownership in a greyhound or accepting the trainer's percentage or having any interest in its winnings is registered with the racing secretary before it starts at any meeting. Every change in such ownership or interest thereafter made during that meeting shall be registered with the racing secretary; a copy of this shall be delivered promptly to the Department by the racing secretary of the track where the greyhound is racing.
  2. No greyhound shall be entered in a race unless the conditions set forth in R19-2-313 pertaining to registration are met.
  3. No greyhound shall be permitted to enter or to start unless it is conditioned by a licensed trainer or owner-trainer.
  4. No greyhound shall enter or start in a race unless it has been fully identified and tattooed. All persons who participate in any manner in establishing the identity of a greyhound, including the breeder, owner, trainer, and identifier, are responsible for the accuracy of the information they provide.
  5. The stewards shall have the right to call on any person in whose name a greyhound is entered to produce proof that the greyhound entered is not the property either wholly or in part of any person who is disqualified, or to produce proof of the extent of his or her interest or property in the greyhound. In default of such proof being given to their satisfaction, the stewards may declare the greyhound out of the race.
  6. Each permittee shall establish a qualifying time for its 3/8- and 5/16-mile races. The permittee shall notify the Department at least three days before the first day of official racing of the qualifying time established and specify time which, while in effect, shall be continuously posted on the notice board at the track and approved by the stewards.
    - a. Any change in the qualifying time established during the course of a meeting shall be made only with the approval of the Department.
    - b. Any greyhound that fails to meet the qualifying time as established shall not be permitted to start other than in futurity or stakes races.
  7. A greyhound shall not be eligible to enter or race if:
    - a. The greyhound is ruled off or suspended.
    - b. The owner or trainer is ruled off the track or suspended until said greyhound is made eligible either by reinstatement of its owner or trainer or a transfer or bona fide sale to an ownership or trainer acceptable to the stewards.
    - c. The greyhound is on the schooling list or on the veterinarian's list.
    - d. The greyhound is under the age of 12 months.
  8. A greyhound or kennel whose entry is ordered refused at any recognized meeting because of inconsistent racing



shall not be permitted to race on any track where these rules are in force during the continuance of such ruling.

9. At least four past performances of a greyhound shall be available for the program.
10. Owners shall be expected to retire a greyhound off form. Failure to do so shall constitute grounds for suspension of said greyhound.
11. Greyhounds that have been retired for conditions or worming shall be brought back to racing weight before being entered.
12. All greyhounds that have not raced in three weeks or more shall be allowed to establish new racing weight with the consent of the stewards.
13. A greyhound in season shall not be permitted on the track nor shall she be eligible to school officially or to race if in milk.

#### B. Entry

1. The racing secretary is the person authorized to receive entries and declarations.
2. Every entry in a race shall be in the name of the registered owner or in the kennel name.
3. A greyhound shall not be qualified to run in any race unless it has been and continues to be duly entered for the same.
4. Any greyhound eligible at the time of entry shall continue to be qualified, except in an overnight event in which it shall be eligible at the time of the start.
5. A kennel owner, trainer, or their authorized agent may enter a greyhound in person, by telephone, by telegram, or in writing.
6. A greyhound entered for a purse shall be a "starting greyhound" unless it has been declared out by the stewards.
7. If any entry from any person or of any greyhound that stands suspended or expelled is received, such entry shall be void and the money paid for such entry, if any, shall be refunded. Any money or prize won under said entry shall be returned.
  - a. The entry form to a stakes race shall include the full name and post office address of the person making the entry.
  - b. Any person having an interest in a greyhound less than the interest or property of any other person is not entitled to assume any of the rights or duties of an owner as provided by these rules, including the right of entry and declaration.
  - c. Joint subscriptions and entries may be made by any one or more of the owners. However, all partners and each of them shall be jointly and severally liable for all fees and forfeits.
  - d. Nominations for stakes races received and post-marked before midnight of the day of closing shall be valid if received 24 hours in advance of closing of overnight entries.
  - e. If a miscarriage of any entry of declaration in a stakes race is alleged, satisfactory proof that it was mailed or telegraphed shall be presented within a reasonable time or it shall be deemed not received.
8. If any entry from any person or of any greyhound that stands suspended or expelled is received, such entry shall be void and the money paid for such entry, if any, shall be refunded. Any money or prize won under said entry shall be returned.

#### C. Closing

1. Entries for purse races shall close at the time advertised and no entry shall be received after that time. If a race

fails to fill, additional time may be granted by the stewards.

2. In the absence of notice to the contrary by the permittee, entries and declarations for stakes which close during or on the eve of a racing meeting close at the office of the racing secretary who shall make provisions therefor. Closing sweepstakes at all other times shall be at the office of the permittee.
3. When the time for closing is designated, entries and declarations for stakes cannot be received thereafter.
4. A greyhound shall not become a starter in a stakes race unless it has passed the entry box on the day on which entries for the stakes race are taken.
5. There should be at least six separate owners in any given race and no owner or trainer shall have more than two greyhounds in said race without the expressed permission of the Department. The requirements of this subsection are applicable to all greyhound races, including all so-called short field races of five or fewer greyhounds. Prior approval of the Department must first be secured before conducting any race where five or fewer greyhounds are entered.
6. In the event the number of entries to any purse race is in excess of the number of greyhounds that may, because of track limitations, be permitted to start, the starters for the race shall be determined by lot in the presence of those making entries.
7. The post position of greyhounds in starting shall be assigned by lot or drawing supervised by the stewards and the racing secretary, at a time and place properly posted on the trainer's bulletin board, at least one day previous to the running of the races, so that any and all owners, trainers, or authorized agents interested may be present.
  - a. No alteration shall be made in any entry after closing of entries, but an error may be corrected.
  - b. Every greyhound entered for a purse shall be a starter unless it is declared or scratched.
8. The permittee shall have the right to withdraw or to change any unclosed race.
9. Entries which have closed shall be compiled without delay by the racing secretary and conspicuously posted.
10. The holder of a claim, whether it be a mortgage bill or sale or lien of any kind against a greyhound, shall be required to file the same with the racing secretary previous to the time the greyhound is entered. Failure to do so shall forfeit the holder's rights in the winnings of the greyhound previous to the time his or her claim is properly filed.

#### D. Fees

1. The entrance to a purse race shall be free unless otherwise stipulated in the conditions of the race. If the conditions require an entrance fee, the fee must accompany the entry.
2. The person entering a greyhound is liable for nominating, sustaining, and starting fees. Neither the subscriber nor such subscriber's transferee shall receive any refund of such fees because of the death or withdrawal of a greyhound or because of a mistake in its entry if the greyhound is eligible, except as provided in subsection (D)(3).
3. Entrance money to a purse race that is run is not refundable either for failure of a greyhound to start or for death of a greyhound unless otherwise provided in the conditions of a race.
4. The entrance money, starting, and subscription fees in every race shall be distributed as provided in the condi-

tions of the race. If a race is not run, all stakes or entrance money shall be refunded.

5. No entry, subscription, or right of entry under it shall become void on the death of the nominator or subscriber.
6. A greyhound shall not become a starter for a race unless there has been duly paid any stake or entrance money payable in respect to that race.
7. A person entering a greyhound thereby becomes liable for the entrance money or stake.
8. An entry of a greyhound in a sweepstakes is a subscription to the sweepstakes, and the subscriber is liable for stake and forfeit; should he or she transfer the entry, he or she is liable only in case of default to the transferee. Similarly, the seller of a greyhound with engagements is liable for stake or forfeit if the engagement is not kept.
  - a. When a person is prevented by these rules from entering or starting a greyhound for any race without paying arrears for which such person would not otherwise be liable, such person may, by paying same, enter or start the greyhound and have the arrears placed on the forfeit list as due to such person.
  - b. If a seller of a greyhound with engagements is compelled to pay arrears through the purchaser's default, such seller may place the amount of the forfeit list as due from the purchaser to the seller. This rule shall also apply in the transfer of entries when the transferee defaults.
  - c. The racing secretary, with the approval of the stewards, shall have full authority to waive the obligations incurred by this Section according to the circumstances of the case.
  - d. If the racing secretary should allow a greyhound to start in a race without its entrance money or stake having been paid, such racing secretary shall be liable for it.
9. Any entry in a sweepstakes is a subscription and cannot be withdrawn.

#### Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).

Amended effective March 20, 1990 (Supp. 90-1). R19-2-316 recodified from R4-27-316 (Supp. 95-1).

#### R19-2-317. Rules of the Race

##### A. Prerace activity.

1. All greyhounds shall race under their registered owner's name as shown on their registration papers or upon Department approval.
2. All races shall be off at a regular interval. Post times will be based upon the number of races run daily. The intervals are to be set by the permittee with the approval of the stewards.
3. All greyhounds shall be identified and exhibited in the paddock before post time of the race in which they are entered.
4. All greyhounds shall wear the regulation muzzle and blanket while racing. Muzzle and blankets shall be carefully examined in the paddock by the paddock judge before the greyhounds leave for the post and shall again be examined before the stewards at the stewards' stand and by the starter at the starting box.
5. After the greyhounds have entered the track, not more than 15 minutes shall be consumed in the parade of the greyhounds to the post, unless further delay is unavoidable.
6. After the greyhounds leave the paddock on their way to the starting point, and until the stewards signal the start of

the race, all persons except the designated licensees shall be excluded from the course.

7. When a greyhound is injured by any accident after weighing, it may be excused by the stewards, on the advice of the track veterinarian and shall not be considered to have started in the race.

##### B. Races

1. No race shall be called official unless the lure is in advance of the greyhounds at all times during the race; if at any time during the race any greyhound or greyhounds catch or pass the lure, the stewards shall declare it "no race" and all monies shall be refunded.
2. The stewards shall closely observe the operation of the lure and hold the lure operator to strict accountability for any inconsistency of operation. The lure shall be kept at a reasonable distance in advance of the greyhounds.
3. If a greyhound dwells in the box when the doors of the starting box open at the start, there shall be no refund.
4. If a greyhound bolts the course, runs in the opposite direction, or does not run the entire prescribed distance for the race, it shall forfeit all rights in the race and no matter where it finished, the stewards shall declare the finish of the race the same as if said greyhound were not a contender. However, for the purpose of the rule, said greyhound shall be considered a starter.
5. If a greyhound bolts the course or runs in the opposite direction during the running of the race and in so doing, in the opinion of the stewards, alters the outcome of the race, the stewards shall declare it "no race" and all monies wagered shall be refunded.
6. If it appears that a greyhound may interfere with the running of the race because of failure to leave the box, because of accident, or for any other reason, any person under the supervision of the stewards stationed around the track may remove said greyhound from the track. However, for the purpose of the rule, said greyhound shall be considered a starter.
7. If a race is marred by jams, spills, or racing circumstances other than accident to the machinery and outside interference while a race is being run, and three or more greyhounds finish, the stewards shall declare the race finished, but if less than three greyhounds finish, the stewards shall declare it "no race" and all monies shall be refunded.
8. Each permittee shall provide a camera approved by the Department for the purpose of taking photographs of all finishes of all races including schooling races.
9. All greyhounds ruled off for fighting or quitting are suspended for life on any track operating under the jurisdiction of the Commission.
10. Any act of the owner, trainer, or handler of a greyhound which would tend to prevent the greyhound from running its best and winning if possible shall mean suspension of all persons found guilty of complicity.

##### C. Dead heats

1. When a race results in a dead heat, the heat shall not be run off. When two greyhounds run a dead heat for first place, all prizes to which the first and second greyhounds would have been entitled shall be divided equally between them; this applies in dividing prizes whatever the number of greyhounds running a dead heat and whatever places for which the dead heat is run.
2. Each greyhound that runs a dead heat for a race or place shall be deemed a winner of that race or place and shall be liable as such winner to any penalty attaching to the same.

3. If the dividing owners cannot agree as to which of them is to have a cup or other prize which cannot be divided, the question shall be determined by lot.

**D. Winnings**

1. Winnings shall include all prizes up to the time appointed for the start, shall apply to all races in any country, and shall embrace walking over or receiving forfeit, but not second and third money, or the value of any prize not of money or not paid in money. Winnings during the year shall be reckoned from January 1 preceding.
2. Winner of a certain sum shall mean winner of a single race of that value unless otherwise expressed in the conditions.
3. In estimating the net value of a race to the winner, all sums contributed by its owner or nominator shall be deducted from the amount it won.
4. Winners or losers of hurdle races shall not be considered winners or losers on the flat and vice versa.

**E. Declarations and scratches**

1. Declarations in purse races shall be made by the kennel owner, trainer, or authorized agent to the racing secretary or his or her assistant at least one-half hour before the time designated for the drawing of post positions on the day previous to the day on which the greyhound is to race, or at such time as the racing secretary may appoint.
2. Declarations in sweepstakes shall be made in the same manner as provided for making entries therein to the racing secretary, who shall record the day and hour of receipt and give early publicity thereto.
3. A declaration in a stakes race shall be made in writing by the kennel owner or trainer of a greyhound or by the kennel owner's authorized agent.
4. The declaration of a greyhound out of an engagement is irrevocable.
5. Any greyhound which is withdrawn from a race after the overnight entries are finally closed shall be deemed a scratch. Such a greyhound shall lose all preference accrued up to that date unless excused by the stewards.
  - a. To scratch a greyhound entered in a race, sufficient cause shall be given to satisfy the stewards, and the cause shall be reported immediately.
  - b. Any scratches that occur that are the result of a violation of a racing rule shall carry a penalty and/or a suspension of said greyhound for a period of six racing days. Scratches for other causes shall be disciplined at the discretion of the stewards.
  - c. However, if any owner or trainer fails to have the greyhound entered at the track at the appointed time for weighing in, and as a result said greyhound is scratched, the stewards shall impose a forfeiture and may suspend or fine the person responsible.
  - d. If three or more greyhounds are withdrawn or scratched in any one race, the stewards may cancel said race.
  - e. The stewards may scratch a greyhound entered in a race for sufficient cause.
6. All greyhounds scratched from a race because of overweight or underweight shall receive a seven-day suspension and shall school back before starting in an official race. Greyhounds so scratched may school during their suspension.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
Amended effective March 20, 1990 (Supp. 90-1). R19-2-317 recodified from R4-27-317 (Supp. 95-1).

**R19-2-318. Hurdle Races**

- A. The jumps or hurdles used by any permittee shall be of a type approved by the Department and must extend from the inside rail across the racing strip to the opposite rail.
- B. The jumps or hurdles used by any permittee shall be not less than 30 inches high and shall be constructed of a material or substance not injurious to the greyhounds participating.
- C. The lure used in a hurdle race shall be of a type approved by the Department and shall be operated in a consistent manner by the lure operator.
- D. Greyhounds running in a hurdle race shall jump or hurdle not less than four jumps or hurdles. No jump or hurdle shall be placed less than 25 yards from the entrance or exit to a turn.
- E. Greyhounds running in a hurdle race shall be properly schooled in hurdle racing in the presence of a steward at least two times at the track where they are to race and shall, in the opinion of a steward, be sufficiently experienced before they can be entered.
- F. If a greyhound fails to go over all hurdles in a race it shall forfeit all rights in the race, and no matter where the greyhound finished, the stewards shall declare the race the same as if the greyhound were not a contender. No refund shall be made for pari-mutuel tickets purchased on such greyhound. Touching the hurdles is permissible and shall not disqualify the greyhound.
- G. Greyhounds who have been running in hurdle races on any track in Arizona during the calendar year must be schooled at least twice on the flat before being entered in a race on the flat.
- H. All hurdle racing over courses established by a permittee shall be in conformity with the rules of greyhound racing as adopted by the Commission where such rules consistently apply.
- I. Winners or losers of hurdle races shall not be considered winners or losers on the flat and vice versa.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
Amended effective March 20, 1990 (Supp. 90-1). R19-2-318 recodified from R4-27-318 (Supp. 95-1).

**R19-2-319. Arizona Bred Eligibility and Breeders' Award Payments**

- A. A breeder shall file a notarized certificate affirming eligibility under A.R.S. § 5-113(F) with the Department. The certificate shall include name, color, and sex of the animal; name of the sire; name of the female; date and location of whelping; National Greyhound Association registration number; left and right ear identification numbers; name, address, and telephone number of the breeder; a statement that the animal is eligible pursuant to A.R.S. § 5-113(F) and that the person shown as the breeder was the owner of the female at the time of whelping; and such other information as may be required by the Department to determine eligibility and shall be signed by the breeder. The breeder shall submit a copy of the National Greyhound Association registration papers with the certificate.
  1. Certification is deemed to occur upon the Department's receipt of the completed certificate.
  2. The greyhound shall be certified by the Department at the time of the win to be eligible for an award.
- B. A permittee shall recognize any greyhound for which there is an Arizona Bred Certificate on file with the Department as an Arizona bred greyhound.
- C. Breeders' awards are not to be paid on nominating, sustaining, or starting fees.
- D. The Department shall calculate and pay breeders' awards to eligible breeders.
  1. Definitions.

- a. "Quarterly Breeders' Award" means an amount of money based on the quarterly breeders' award payment factor determined by the Department each fiscal year by October 30.
  - b. "Substitute Breeders' Award" means an amount of money based on a substitute payment factor because of the lack of sufficient money to pay conventional Quarterly Breeders' Awards.
  - c. "Supplemental Breeders' Award" means an amount of money that corrects a shortfall between conventional Quarterly Breeders' Awards and Substitute Breeders' Awards.
  - d. "End-of-year Bonus Award" means an amount of money that may be paid to breeders from available monies that remain in the breeders' award fund after payment of Quarterly Breeders' Awards, Substitute Breeders' Awards and Supplemental Breeders' Awards.
2. The Department shall pay awards at the end of each fiscal year quarter, provided that the total amount of the awards payments does not exceed the total amount of money available in the fund less the amount required to be set aside for contingent liabilities in subsection (D)(8).
  3. Quarterly Breeders' Awards. Before October 30 of each year, the Department shall determine a quarterly breeders' award payment factor that will be applied during the entire fiscal year. The payment factor determined by the Department is not subject to appeal.
    - a. The Department shall evaluate anticipated revenues for the breeders' award fund and anticipated purses for eligible Arizona-bred animals and set the payment factor at a level that permits recipients of quarterly breeders' awards to receive awards throughout the fiscal year based on the same payment factor.
    - b. The Department shall notify representatives of each breeders' association of the quarterly breeders' award payment factor in writing before October 30 of each year.
    - c. The Department shall calculate quarterly breeders' awards by multiplying the amount of each purse won by an eligible animal during that quarter by the quarterly breeders' award payment factor established for the fiscal year.
    - d. The Department shall make quarterly breeders' awards not later than 30 days after the end of each quarter, unless full quarterly breeders' awards cannot be made due to the lack of available money in the fund.
  4. Substitute Breeders' Awards. The Department shall make substitute breeders' awards if there are sufficient monies in the fund to allow for an award but not enough monies to provide for full payments of quarterly breeders' awards based on the quarterly breeders' award payment factor.
    - a. The Department shall determine the substitute payment factor by dividing the total amount of monies in the Arizona breeders' award fund at the end of the quarter less the amount required to be set aside for contingent liabilities in subsection (D)(8) by the total amount of purses won by eligible Arizona-bred animals during that quarter.
    - b. The Department shall calculate substitute breeders' awards by multiplying the amount of each purse won by an eligible animal during that quarter by the substitute payment factor for that quarter.
  5. End-of-year bonus pool. After payment of all quarterly breeders' awards and any substitute breeders' awards has been calculated, the Department shall determine the amount of monies remaining in the fund. The end-of-year-bonus pool is the amount of monies remaining in the Arizona breeders' award fund after the payment of all quarterly breeders' awards for the fiscal year less the amount required to be set aside for contingent liabilities in subsection (D)(8).
  6. Supplemental Breeders Awards. The Department shall first pay any monies in the end-of-year bonus pool in the form of supplemental breeders awards to recipients of substitute breeders' awards.
    - a. The Department shall pay supplemental breeders' awards in an amount equal to the difference between the substitute breeders' award and the quarterly breeders' award the breeder would have received if there had been enough in the fund to pay an award based on the quarterly award payment factor.
    - b. In the event the end-of-year bonus pool cannot pay supplemental breeders' awards to make up for the shortfall to all substitute breeders' award recipients, the Department shall pay supplemental breeders' awards to all breeders eligible to receive a supplemental breeders' award on a pro-rata basis.
    - c. A breeder is eligible to receive a supplemental breeders' award from the end-of-year bonus pool only if the breeder received a substitute breeders' award during that fiscal year.
    - d. The Department shall not make supplemental breeders' awards if all eligible breeders received quarterly breeders' awards during the fiscal year.
  7. End-of-year Bonus Awards. The Department shall pay end-of-year bonus awards if monies remain in the end-of-year bonus pool following any supplemental payments.
    - a. The Department shall determine an end-of-year bonus payment factor by dividing the monies in the end-of-year bonus pool by the total amount of purses won by an eligible animal during the fiscal year.
    - b. The Department shall calculate end-of-year bonus awards by multiplying the amount of each purse won by an eligible animal by the bonus payment factor.
  8. Contingent liabilities. The Department shall retain \$10,000 in the Breeders' Award fund for contingent liabilities.
  9. The Department shall not make quarterly breeders' awards, substitute breeders' awards, supplemental breeders' awards or end-of-year bonus breeders' awards if the total amount available for distribution is less than \$10,000. In the event the Department does not pay an award because less than \$10,000 is available for distribution, the Department shall carry forward the amount in the fund for payment of awards when the Department next calculates awards.
  10. Appeal of Director's Rulings
    - a. The Director shall make the final decision concerning a breeders' award.
    - b. The Department shall give written notice of the decision to an applicant by mailing it to the address of record filed with the Department.
    - c. After service of the Director's decision, an aggrieved party may obtain a hearing under A.R.S. §§ 41-1092.03 through 41-1092.11.
    - d. The aggrieved party shall file a notice of appeal with the Department within 30 days after receiving the notice prescribed in R19-2-319(D)(10)(b).

- e. The Department shall notify the Office of Administrative Hearings, which shall schedule and conduct the hearing.
- E. The permittees shall submit to the Department an Arizona Breeders' Award Report in the form prescribed by the Department. The report shall include name of the animal, name of the breeder, date of win, win purse amount, type of race, name of track, and such other information as may be required by the Department to calculate awards.
- F. The Arizona Thoroughbred Breeder's Association, Arizona Quarter Racing Association, Arizona Greyhound Breeder's Association and such other associations as may represent breeders in this state may assist the Department in periodic reviews of eligibility lists and may provide such other assistance in administering the fund as may be required by the Department.
- G. At least every other three years, the Commission shall select a committee, consisting of representatives of each breeders' association and the Department, which shall review this rule and submit written recommendations to the Commission.
- H. Any objection to a decision of the clerk of the scales shall be made before the greyhounds leave the paddock for the start of the race.
- I. Pending the determination of an objection, any money or prize which the greyhound objected to may have won, or may win in the race, shall be withheld until the objection is determined, and any sum payable to the owner of the greyhound objected to shall be held for the person who may be determined to be entitled to it.
- J. Pending the disposition by the stewards, Director, or Commission of any question, both the greyhound which finished first and any greyhound which claimed to be the winner shall be liable to all penalties attaching to the winner of that race until the matter is decided.
- K. If an objection to a greyhound which has won or which has been placed in a race is declared valid, that greyhound is disqualified, and the other greyhounds in the race are entitled to place in the order in which they finished. The purses shall be redistributed.
- L. No person shall lodge an unsubstantiated objection with the stewards.
- M. If all the greyhounds in the race have run at wrong weights, or over a wrong course or distance, and objection is made before the official confirmation of the placing of the greyhound in the race, the stewards shall declare it "no race."
- N. Permission of the stewards is necessary before an objection may be withdrawn.

#### Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).  
Amended subsection (A) effective August 21, 1985 (Supp. 85-4). Amended subsection (A) and added subsections (D) through (G) effective August 13, 1986 (Supp. 86-4). Amended subsection (D) effective February 19, 1987 (Supp. 87-1). Amended effective March 20, 1990 (Supp. 90-1). R19-2-319 recodified from R4-27-319 (Supp. 95-1). Amended effective January 10, 1997 (Supp. 97-1).

#### R19-2-320. Objections

- A. Every objection shall be made by an owner or his or her authorized agent, by a trainer of some other greyhound engaged in the same race, or by the officials of the course. Such objection shall be made to the stewards, who may require that the objection be made in writing with a copy thereof sent immediately to the Director.
- B. The stewards may require a cash deposit of \$200 to cover costs and expenses in determining an objection. The deposit posted herein may be forfeited if the objection should prove to be without foundation.
- C. Any objection which cannot be decided by the stewards during the meeting shall be made in writing and lodged with the Director.
- D. Any objection, unless otherwise provided, shall be made 72 hours after the race is run and shall be determined by the stewards.
- E. Any objection of a greyhound pertaining to any matter occurring in a race, except as otherwise provided, shall be made before the official numbers of the greyhounds' place in the race are posted on the odds board.
- F. Any objections to a greyhound that has run in a race on the grounds that it was not trained by a licensed trainer, or that the names of all those having ownership in it or an interest in its winnings have not been registered with the secretary, shall be made not later than the day after that upon which the race was run.
- G. Any objection on the grounds of fraudulent or purposeful misstatement or omission in the entry under which a greyhound has run, or on the grounds that the greyhound which ran was not the greyhound it was represented to be in the entry or at the time of the race, may be received any time within three days after the race.

#### Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).  
Amended effective March 20, 1990 (Supp. 90-1). R19-2-320 recodified from R4-27-320 (Supp. 95-1).

#### R19-2-321. Repealed

#### Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).  
Amended by adding subsection (O) effective September 17, 1984. Amended subsection (D) paragraph (6) effective October 18, 1984 (Supp. 84-5). Amended by adding subsection (P) effective April 4, 1985 (Supp. 85-2). Amended subsection (N) effective November 29, 1985 (Supp. 85-6). Amended subsection (P) paragraph (19) effective June 6, 1986 (Supp. 86-3). Amended by adding subsections (Q), (R), (S), (T), (U) and (V) effective February 19, 1987 (Supp. 87-1). Amended by adding subsections (W) and (X) effective October 14, 1988 (Supp. 88-4). Repealed effective March 20, 1990 (Supp. 90-1). R19-2-321 recodified from R4-27-321 (Supp. 95-1).

#### R19-2-322. Procedure before the Department

- A. Appeal of stewards' rulings and referrals
  1. Any person or persons aggrieved by a ruling of the stewards may appeal to the Director. Such an appeal must be filed in writing in the office of the Director within three days of the receipt of the steward's ruling.
  2. The failure of the stewards to convene a hearing within 10 days after the objection is made shall be deemed a denial by the stewards and may be appealed by filing a written appeal in the office of the Director within 10 days from the date the objection was denied.
  3. The appeal shall be signed by the person making said request or by his or her attorney and shall set forth the grounds for appeal and reasons for believing he or she is entitled to a hearing.
  4. A person filing an appeal of a ruling may be required by the Director or the Commission to furnish a bond in the amount equal to an assessed fine and an additional \$200

to cover the cost, which may be forfeited should the appeal be denied.

5. The stewards may refer any ruling made by them to the Director recommending further action including the revocation of a license suspended by the stewards. Upon receipt of such referrals, the Director shall review the record and may affirm, reverse, or modify the stewards' ruling or conduct such other proceedings the Director deems appropriate.
6. Upon the filing of an appeal in the manner set forth above, the Director shall fix a time and place for said hearing and shall give written notice of the hearing at least 20 days prior to the date set for the hearing, unless waived by the appellant.
7. Nothing contained in this Section shall affect the distribution of the pari-mutuel pools.
8. In case of an appeal or protest, the purse money affected will be retained by the permittee subject to order of the Director.

**B. License denial, suspension, or revocation**

1. The Director may deny a license application without prior notice to the applicant. However, if the applicant files an appeal with the Director within 20 days of the receipt of the denial, the Director shall fix a time and place for a hearing on the matter and shall give written notice of the hearing at least 20 days prior to the date set for the hearing, unless waived by the applicant.
2. The Director may revoke or, independently of the stewards, suspend a license only after notice and opportunity for hearing. Notice of the hearing shall be given in writing at least 20 days prior to the date set for hearing, unless waived by the applicant.

**C. Contested cases**

1. All parties appearing before the Director or his or her designee shall be afforded an opportunity for a hearing and the opportunity to respond and present evidence and argument on all issues.
2. Any party appearing before the Director or his or her designee shall have the right to appear in person or by counsel, except that a corporation may appear only through counsel. Any party may submit his or her case in writing. Failure of a party to appear for a hearing shall leave the Director free to act upon the evidence at hand without further notice to the parties. Proceedings may be reopened by the Director upon written petition of any party to the proceedings.

**D. Hearing officer. If the Director assigns a matter to a hearing officer, the hearing officer shall submit to the Director within 15 days after the conclusion of the hearing a written decision which shall include proposed findings of fact, conclusions of law and order. The decision of the hearing officer may be approved or modified by the Director. The decision of the hearing officer becomes the decision of the Director unless modified by the Director within 45 days.**

**E. Depositions**

1. When any party desires to take the oral deposition of any witness residing outside the state or otherwise unavailable as a witness, such party shall file with the Director a petition for permission to take the deposition of such witness, showing the name and address of such witness and setting forth specifically and in detail the nature and substance of the testimony expected to be given by such witness. The application shall be granted if it appears from such petition that the witness resides outside the state or is otherwise unavailable and that the testimony of such witness is relevant and material. If such statement is not

made specifically and in detail, so that the Director may determine therefrom the relevancy and materiality of the testimony of such witness, such petition may be denied.

2. The Director may, at his or her discretion, designate the time and place and office before which such a deposition may be taken. The expense of any deposition will be borne by the party applying to the Director for permission to take same.
3. Any deposition taken under this rule shall be returned and filed with the Director within 30 days after permission for taking same is granted.

**F. Service**

1. Service of any decision, order, or other process may be made in person or by mail. Service by mail shall be made by enclosing the same or a copy thereof in a sealed envelope and depositing the same in the United States mail, postage prepaid, addressed to the party served at the address shown by the records of the Department.
2. The time periods prescribed or allowed by these rules, by order of the Department, or by an applicable statute, shall be computed as provided in the Rules of Civil Procedure.
3. Service upon an attorney who has appeared on behalf of a party will constitute service upon such party, except that papers required to be served upon the Director or Commission shall in all cases be filed in the office of the Department, with a copy served on the Attorney General.
4. Proof of service may be made by the affidavit or oral testimony of the person making such service.

**G. Rehearing, review, or appeal**

1. Except as provided in subsection (G)(7), any party in a contested case before the Director who is aggrieved by a decision rendered in such case may file with the Director, not later than 10 days after service of the decision, a written motion for rehearing or review of the decision, specifying the particular grounds therefor. For purposes of this subsection, a decision shall be deemed to have been served when personally delivered or mailed to the party at his or her last known residence or place of business.
2. The motion for rehearing may be amended at any time before it is ruled upon by the Director. A response may be filed within 10 days after service of such motion or amended motion by any other party. The Director may require the filing of written briefs upon the issues raised in the motion and may provide for oral argument.
3. A rehearing or review of the decision may be granted for any of the following causes materially affecting the moving party's rights:
  - a. Irregularity in the administrative proceedings of the hearing officer or Director or the prevailing party, or any order or abuse of discretion, whereby the moving party was deprived of a fair hearing.
  - b. Misconduct of the hearing officer, Director, or the prevailing party.
  - c. Accident or surprise which could not have been prevented by ordinary prudence.
  - d. Newly discovered material evidence which could not with reasonable diligence have been discovered and produced at the original hearing.
  - e. Excessive or insufficient penalties.
  - f. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing.
  - g. That the decision is not justified by the evidence or is contrary to law.
4. The Director may affirm or modify the decision or grant a rehearing to all or any of the parties and on all or part of

the issues for any of the reasons set forth in subsection (G)(3). An order granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.

5. Not later than 10 days after a decision is rendered, the Director may, on his or her own initiative, order a rehearing or review of his or her decision for any reason for which he or she might have granted a rehearing on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Director may grant a motion for rehearing for a reason not stated in the motion. In either case, the order granting such a rehearing shall specify the grounds therefor.
6. When a motion for rehearing is based upon affidavits, they shall be served with the motion. An opposing party may within 10 days after such service serve opposing affidavits, which period may be extended for an additional period not exceeding 20 days by the Director for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
7. If in a particular decision it is necessary for the immediate preservation of the public peace, health, and safety, and if a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the decision may be issued as a final decision without an opportunity for a rehearing or review.
8. For purposes of this subsection the terms "contested case" and "party" shall be defined as provided in A.R.S. § 41-1001.
9. To the extent that the provisions of this rule are in conflict with the provisions of any statute providing for rehearing of decisions of the Director, such statutory provisions shall govern.

#### Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).  
Amended effective March 20, 1990 (Supp. 90-1). R19-2-322 recodified from R4-27-322 (Supp. 95-1).

#### R19-2-323. Procedure before the Commission

##### A. Appeal of Director's rulings.

1. Any person or persons aggrieved by a ruling of the Director may appeal to the Commission. Such an appeal must be filed in writing in the office of the Commission within 15 days after service of the Director's ruling.
2. The appeal shall be signed by the person making said request or his or her attorney and must set forth with specificity his or her grounds for appeal and reasons for believing he or she is entitled to a hearing.
3. Upon the filing of an appeal set forth above, the Commission shall review the record and may affirm, reverse, or modify the Director's ruling or conduct such other proceedings as the Commission deems appropriate.

##### B. Permit denial, suspension, or revocation.

1. The Commission may deny a permit application pursuant to a hearing upon 15 days notice.
2. The Commission may revoke or suspend a permit only after notice and opportunity for hearing. Notice of the hearing shall be given in writing at least 20 days prior to the date set for hearing, unless waived by the applicant.
3. All parties appearing before the Commission shall be afforded an opportunity for a hearing and the opportunity to respond and present evidence and argument on all issues.
4. Any party appearing before the Commission shall have the right to appear in person or by counsel, except that a

corporation may appear only through counsel. Any party may submit his or her case in writing. Failure of a party to appear for a hearing shall leave the Commission free to act upon the evidence at hand without further notice to the parties. Proceedings may be reopened by the Commission upon written petition of any party to the proceedings.

- C. Hearing officer. If the Commission assigns a matter to a hearing officer, the hearing officer shall submit to the Commission within 15 days after the conclusion of the hearing a written decision which shall include proposed findings of fact, conclusions of law and order. The decision of the hearing officer may be approved or modified by the Commission. The decision of the hearing officer becomes the decision of the Commission unless modified by the Commission within 45 days.

##### D. Depositions.

1. When any party desires to take the oral deposition of any witness residing outside the state or otherwise unavailable as a witness, such party shall file with the Commission a petition for permission to take the deposition of such witness, showing the name and address of such witness and setting forth specifically and in detail the nature and substance of the testimony expected to be given by such witness. The application shall be granted if it appears from such petition that the witness resides outside the state or is otherwise unavailable and that the testimony of such witness is relevant and material. If such statement is not made specifically and in detail, so that the Commission may determine therefrom the relevancy and materiality of the testimony of such witness, such petition may be denied.
2. The Commission may, at its discretion, designate the time and place and office before which such a deposition may be taken. The expense of any deposition will be borne by the party applying to the Commission for permission to take same.
3. Any deposition taken under this rule shall be returned and filed with the Commission within 30 days after permission for taking same is granted.

##### E. Service.

1. Service of any decision, order, or other process may be made in person or by mail. Service by mail shall be made by enclosing the same or a copy thereof in a sealed envelope and depositing the same in the United States mail, postage prepaid, addressed to the party served, at the address shown by the records of the Department, except that notice of a hearing before the Commission shall be mailed by certified mail to the last known address of the parties as shown by the records of the Department.
2. Proof of service may be made by the affidavit or oral testimony of the person making such service.
3. The time periods prescribed or allowed by these rules, by order of the Department or by an applicable statute, shall be computed as provided in the Rules of Civil Procedure.
4. Service upon an attorney who has appeared on behalf of a party will constitute service upon such party. In the case of papers requested to be served upon the Commission, an original and five copies shall be filed in the office of the Department and a copy shall be served upon the Attorney General.

##### F. Rehearing or review.

1. Except as provided in subsection (7), any party in a contested case before the Commission who is aggrieved by a decision rendered in such case may file with the Commission, not later than 15 days after service of the decision, a written motion for rehearing or review of the decision

specifying the particular grounds therefor. For purposes of this subsection, a decision shall be deemed to have been served when personally delivered or mailed to the party at his or her last known residence or place of business.

2. The motion for rehearing may be amended at any time before it is ruled upon by the Commission. A response may be filed within 10 days after service of such motion or amended motion by any other party. The Commission may require the filing of written briefs upon the issues raised in the motion and may provide for oral argument.
3. A rehearing or review of the decision may be granted for any of the following causes materially affecting the moving party's rights:
  - a. Irregularity in the administrative proceedings of the hearing officer or Commission or the prevailing party, or any order or abuse of discretion, whereby the moving party was deprived of a fair hearing.
  - b. Misconduct of the hearing officer, Commission, or the prevailing party.
  - c. Accident or surprise which could not have been prevented by ordinary prudence.
  - d. Newly discovered material evidence which could not with reasonable diligence have been discovered and produced at the original hearing.
  - e. Excessive or insufficient penalties.
  - f. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing.
  - g. That the decision is not justified by the evidence or is contrary to law.
4. The Commission may affirm or modify the decision or grant a rehearing to all or any of the parties and on all or part of the issues for any of the reasons set forth in subsection (F)(3). An order granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.
5. Not later than 10 days after a decision is rendered, the Commission may, on its own initiative, order a rehearing or review of its decision for any reason for which it may have granted a rehearing on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Commission may grant a motion for rehearing for a reason not stated in the motion. In either case, the order granting such a rehearing shall specify the grounds therefor.
6. When a motion for rehearing is based upon affidavits, the affidavits shall be served with the motion. An opposing party may within 10 days after such service serve opposing affidavits, which period may be extended for an additional period not exceeding 20 days by the Commission for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
7. If in a particular decision it is necessary for the immediate preservation of the public peace, health, and safety and if a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the decision may be issued as a final decision without an opportunity for a rehearing or review.
8. For purposes of this subsection the terms "contested case" and "party" shall be defined as provided in A.R.S. § 41-1001.
9. To the extent that the provisions of this rule are in conflict with the provisions of any statute providing for rehearing

of decisions of the Commission, such statutory provisions shall govern.

#### Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).

Amended effective March 20, 1990 (Supp. 90-1). R19-2-323 recodified from R4-27-323 (Supp. 95-1).

#### R19-2-324. Greyhound Housing

##### A. Kennel housing facilities:

1. Facilities shall be constructed and maintained in good repair to ensure protection from exposure or hazards that could endanger the greyhounds.
2. Bedding shall be provided for all greyhounds. Heat, insulation, or additional bedding adequate to provide warmth shall be provided when the indoor temperature is below 50 degrees Fahrenheit. Facilities shall have operational cooling devices so the indoor temperature does not exceed 85 degrees Fahrenheit.
3. Facilities shall be provided for greyhounds under the age of eight weeks and for females within two weeks of whelping. The facility shall be disinfected on a daily basis and separate from a racing kennel.
4. Facilities shall at all times provide ventilation to all greyhounds by means of doors, windows, vents, air conditioning, or an evaporative cooling system.
5. Walls and floors shall be constructed to lend themselves to efficient cleaning and sanitizing.
6. Ample lighting shall be provided by natural or artificial means or both to allow efficient cleaning of the facilities, routine inspection of the facilities, and the greyhounds contained therein.
7. Each facility shall have at least one turn-out pen.
8. A minimum of one functional fire extinguisher shall be available at each kennel facility.
9. Facilities shall be cleaned and disinfected at least weekly or more frequently as may be necessary to reduce disease hazards, odors, fleas, ticks and vermin.
10. Smoking shall not be allowed in kennel housing.

##### B. Run housing.

1. Buildings and structures shall be constructed and maintained in good repair to ensure protection from exposure or hazards that could endanger the greyhounds.
2. Sufficient shelter shall be provided to accommodate all greyhounds to allow access to shade from direct sunlight and regress from exposure to inclement weather. Heat, insulation, or bedding adequate to provide warmth shall be provided when the atmospheric temperature is below 50 degrees Fahrenheit.
3. The run area shall be kept free of debris, brush, feces or any unsanitary or hazardous materials that could endanger the greyhounds.
4. Fencing for the run shall be a minimum of 4 feet high. Material for fencing shall be such that the health and safety of the greyhounds are not endangered. Fences shall be maintained in satisfactory repair.
5. Run housing shall be cleaned at least daily or more frequently as may be necessary to reduce disease hazards and odors.

##### C. Kennel housing crates.

1. The crates shall be of sound construction and maintained in good repair to protect the greyhounds from injury.
2. Construction materials and maintenance shall allow the greyhounds to be kept clean and dry. Walls and floors shall be impervious to urine and other moisture.
3. The shape and size of the crate shall afford ample space for the greyhounds to comfortably turn about, stand erect,



- sit and lie, but the crate shall not be smaller than 31 inches wide, 42 inches long and 32 inches high.
4. The greyhounds shall be removed from their crate at least four times in each 24-hour period. The release time shall be sufficient to relieve bodily functions and to loosen cramped muscles.
  5. Except as provided in R19-2-328 (B), there shall be only one greyhound per crate.
  6. Crates shall be cleaned and sanitized at least daily or more frequently as may be necessary in order to maintain a sanitary living environment for the greyhounds.

**Historical Note**

Adopted effective March 1, 1995; R19-2-324 recodified from R4-27-324 (Supp. 95-1).

**R19-2-325. Grounds of the Racing Kennel, Breeding Farm, or Other Operation****A. General.**

1. Food supplies and bedding materials shall be stored to protect them from contamination or infestation by vermin or other factors which would render the food or bedding unsanitary. All meat shall be kept frozen or refrigerated until such time that it is to be thawed for immediate consumption.
2. Washrooms, basins, or sinks shall be readily accessible for maintaining cleanliness among greyhound caretakers and sanitizing of food and water utensils. Running water shall be immediately available and hot water shall be obtainable on the premises to properly disinfect dishes, utensils, or other equipment.
3. Waste materials shall be removed at least daily and disposed of at least weekly to minimize vermin infestation, odors, and disease hazards.
4. Dropping buckets shall have lids in place except while in use and shall be stored in an area removed from kennel housing and run housing.
5. Space shall be provided to prevent crowding and to allow freedom of movement and comfort to the greyhounds.
6. Females in estrus shall not be housed with racing dogs or males except for breeding purposes.
7. Cleaning supplies and pesticides shall be stored in a secure area completely separate from food, bedding storage, and greyhounds.
8. The grounds shall be free of weeds and other materials that may constitute a fire or other hazard and that may create a breeding ground for fleas and ticks.
9. Racing kennels, breeding farms, and other operations in Arizona shall apply for a license to operate from the Department. Greyhounds bred, whelped, raised, trained, or kenneled by unlicensed Arizona operations shall not be eligible to race within Arizona.

**B. Turn-out pens and exercise areas.**

1. Fencing for turn-out pens and exercise areas shall be a minimum of 5 feet high. Material for fencing shall be such that the health and safety of the greyhounds are not endangered. Fences shall be maintained in satisfactory repair.
2. Ample lighting shall be provided by natural or artificial means or both to view the greyhounds while in the turn-out pens and to allow efficient cleaning thereof.
3. Turn-out pens and exercise areas shall be free of debris, brush, feces, or any unsanitary, or hazardous materials that could endanger the greyhounds.
4. The greyhound shall be supervised at all times while in the turnout pens.

5. Sufficient shelter shall be provided to accommodate all greyhounds in the exercise areas and turn-out pens to allow access to shade from direct sunlight and regress from exposure to inclement weather.
6. Turn-out pens shall be cleaned at least daily or more frequently as may be necessary to reduce disease hazards and odors.
7. Fresh sand shall be added to soak up urine at least annually or more frequently as may be necessary to reduce disease and odors.
8. Buildings and structures present in or around the turn-out pens or exercise areas shall be constructed and maintained in good repair to ensure protection from exposure or hazards that could endanger the greyhounds.

**Historical Note**

Adopted effective March 1, 1995; R19-2-325 recodified from R4-27-325 (Supp. 95-1). Amended effective August 7, 1996 (Supp. 96-3).

**R19-2-326. General Care of Greyhounds in a Racing Kennel, on a Breeding Farm, or on Another Operation**

- A. All greyhounds shall be properly cared for on a daily basis. This includes physically inspecting the greyhounds for sores, cuts, abrasions, muzzle bumps, fleas, ticks, and providing adequate feed.
- B. Greyhounds shall be provided with clean, fresh water in run housing, exercise areas, and turnout pens at all times.
- C. All food and water dishes shall be free of mold and slime.
- D. Greyhounds shall be reasonably free of ticks and fleas. Care shall be taken to ensure that the greyhounds do not ingest chemicals used to control fleas and ticks.
- E. Sick, diseased, or injured greyhounds shall be provided with proper veterinary care.
- F. Muzzles used shall be lightweight, plastic, or padded wire tape. Worn, broken, or rusted muzzles are prohibited.
- G. All greyhounds shall be vaccinated annually against common canine diseases such as parvo, rabies, distemper, hepatitis, adenovirus type 2, parainfluenza, and leptospirosis. Current records shall be kept and available for review by the Department inspector.

**Historical Note**

Adopted effective March 1, 1995; R19-2-326 recodified from R4-27-326 (Supp. 95-1).

**R19-2-327. Personnel of the Racing Kennel, Breeding Farm, or Other Operation**

- A. The owner of the racing kennel, breeding farm, or other operation manager / agent, or supervising personnel shall be present at least once in each 24-hour period to supervise and to ascertain that the care of the greyhounds and maintenance of the facilities conform to all of the rules.
- B. A sufficient number of employees shall be utilized to provide the required care of greyhounds and maintenance of the facilities.
- C. The racing kennel, breeding farm, or other operation shall be licensed by the Department. If the owner of the racing kennel, breeding farm, or other operation is not physically present to run the racing kennel, breeding farm, or other operation, the owner's manager / agent shall also be licensed by the Department.

**Historical Note**

Adopted effective March 1, 1995; R19-2-327 recodified from R4-27-327 (Supp. 95-1).

**R19-2-328. Transportation of Greyhounds**

- A. When transported within the state, all greyhounds shall be hauled in crates designed for the sole purpose of transporting greyhounds. These crates shall be a minimum of 2 feet wide, 3 feet long and 34 inches high.
- B. When transporting racing greyhounds to and from the race-track, there shall be allowed a maximum of two greyhounds per crate, provided that there is enough space for each greyhound to comfortably turn about sit, lie, and stand erect. When otherwise transporting greyhounds within the state, there shall be allowed only two greyhounds per crate provided that there is enough space for each greyhound to comfortably turn about, sit, lie and stand erect.
- C. The crates shall be of sound construction and maintained in good repair to ensure that the health and safety of the greyhounds are not endangered.
- D. Floors and lower sides of the crates shall be constructed or shall be covered on the inner surfaces to contain excreta and bedding materials.
- E. The crates shall be cleaned and sanitized at least daily, or more frequently as may be necessary in order to maintain a sanitary environment for the greyhounds.
- F. Hauling vehicles shall provide ventilation that reaches each greyhound by means of windows, vents, air conditioner or an evaporative cooling system. Air conditioning, or evaporative cooling devices in good working order shall be provided when the atmospheric temperature is above 90 degrees Fahrenheit to provide comfort to the greyhounds during transport. Heat, insulation or bedding adequate to provide warmth shall be provided when the atmospheric temperature is below 50 degrees Fahrenheit.
- G. Greyhounds in hauling vehicles shall be inspected at least once in each four-hour period and their needs attended to immediately. Water shall be provided at each four-hour interval check.
- H. Racing kennels, breeding farms, or other operations that receive greyhounds transported from out-of-state locations shall maintain a log. The log shall include:
  - 1. Greyhound names, if applicable
  - 2. Left and right ear tattoo numbers
  - 3. Name of owners/lessees
  - 4. Date of shipping/receiving
  - 5. Purpose (breeding, racing, training)
  - 6. Name of hauling company and driver
- I. Newly arriving out-of-state greyhounds shall be housed separately until a physical evaluation can be made for the presence of ticks, or fleas and the administration of proper treatment.

**Historical Note**

Adopted effective March 1, 1995; R19-2-328 recodified from R4-27-328 (Supp. 95-1).

**R19-2-329. Disposition of Greyhounds**

- A. Racing kennels, breeding farms, or other operations shall maintain a log as to the disposition of individually registered greyhounds at the end of their breeding, racing, or nonracing careers. The log shall include
  - 1. Greyhound names
  - 2. Left and right ear tattoo numbers
  - 3. Name of owners/lessees
  - 4. Date career ended and reason why
  - 5. Destination
- B. Every effort shall be made to adopt the greyhounds not used for racing, or breeding purposes.
- C. Greyhounds transported to an adoption agency, breeding farm, or other location at the end of their breeding, racing, or nonracing careers shall be subject to the transportation rules as set forth in R19-2-328.

**Historical Note**

Adopted effective March 1, 1995; R19-2-329 recodified from R4-27-329 (Supp. 95-1).

**R19-2-330. Inspection Procedure for a Racing Kennel, Breeding Farm, or Other Operation**

- A. All racing kennels, breeding farms, or other operations shall be available for inspection at all times by representatives of the Department. Hauling vehicles used to transport greyhounds are considered part of the general equipment of the operation and as such shall be subject to inspection.
- B. Inspections shall be unannounced.
- C. A representative of the racing kennel, breeding farm, or other operation shall be present to assist the investigator during the inspection.
- D. A copy of the inspection report detailing the findings of the inspection shall be left by the investigator at the racing kennel, breeding farm, or other operation.
- E. A follow-up inspection shall be conducted by the Department if corrective measures are required, or if sick, or poorly maintained greyhounds are found. The Department may seek assistance from Animal Control authorities for the removal and treatment of sick and poorly maintained greyhounds.

**Historical Note**

Adopted effective March 1, 1995; R19-2-330 recodified from R4-27-330 (Supp. 95-1).

**R19-2-331. Greyhound Adoption Grants**

- A. The purpose of the grants is to promote the adoption of racing greyhounds as domestic pets. A maximum of 25% of the license fees generated from A.R.S. § 5-104(F)(7) and (8) shall be distributed to nonprofit enterprises pursuant to A.R.S. § 5-104(G).
- B. Procedures.
  - 1. The enterprise shall submit a Department-generated application form to the Commission by March 1 of each year the enterprise may desire to apply for a grant. The application form shall require the following information:
    - a. A written description of the enterprise and proposed use of the grant;
    - b. Proof of nonprofit status;
    - c. A description of its procedures to acclimate the greyhounds required by A.A.C. R19-2-331(C)(6);
    - d. A description of its adoption procedures required by A.A.C. R19-2-331(C)(7);
    - e. A copy of the application form and the adoption agreement required by A.A.C. R19-2-331(C)(7)(a) and (c); and
    - f. A copy of the owner release form required by A.A.C. R19-2-331(C)(9).
  - 2. The Commission shall decide which enterprise shall receive a grant, the amount of the grant, and the date of disbursement of such grant.
  - 3. The recipients of the grants shall report quarterly to the Commission on a form provided by the Department to gather the following information:
    - a. The number of greyhounds the enterprise received;
    - b. The number of greyhounds adopted;
    - c. The number of greyhounds returned and reason for return;
    - d. The actual use of the grant; and
    - e. A list of people who adopted the greyhounds, or make available to the Department copies of the contracts between the agency and the adoptee.
- C. Minimum qualifications.
  - 1. The enterprise shall be nonprofit.

2. The enterprise shall not:
    - a. Allow the greyhounds to be used for racing, wagering, or hunting;
    - b. Place the greyhounds in a pound, humane society, or research facility;
    - c. Resell the greyhounds; or
    - d. Place the greyhounds for resale.
  3. The enterprise shall not euthanize an adoptable greyhound unless, as determined by a licensed veterinarian, it is medically necessary for humane reasons.
  4. The enterprise shall be affiliated with a racetrack that conducts greyhound racing. Affiliation is satisfied when the general manager, or other executive from the racetrack submits to the Commission a written recommendation on behalf of the enterprise.
  5. The enterprise shall require that a licensed veterinarian perform a complete check-up on each greyhound. Each greyhound shall be spayed, or neutered, and vaccinated as necessary.
  6. The enterprise shall employ procedures for acclimating greyhounds, which include:
    - a. Exposure to the public;
    - b. Exposure to a household environment which may include stairs, couches, toys, mirrors, tables;
    - c. Exposure to cats; and
    - d. Exposure to a new diet.
  7. The enterprise shall employ procedures for adopting-out greyhounds, which include:
    - a. An application process for prospective adoptees;
    - b. A visual check of each prospective adoptee's home with written documentation;
    - c. A written adoption agreement between the enterprise and adoptee;
    - d. At a minimum, follow-ups conducted by phone, or visit after seven days and 30 days with written documentation; and
    - e. Procedures for the return of greyhounds.
  8. The enterprise shall comply with the housing requirements set forth in R19-2-324.
  9. The enterprise shall have an owner release form for each greyhound in their care.
  10. The enterprise shall make available a person to answer questions from a prospective, or current adoptee.
  11. The enterprise shall keep a file on each greyhound. The file shall include:
    - a. The owner release form;
    - b. The vaccination record, health record, and spay, or neuter record;
    - c. The greyhound personality profile;
    - d. The written adoption agreement between the enterprise and adoptee;
    - e. The written documentation of visits and follow-ups; and
    - f. The adoptee's application form.
  12. The enterprise shall make available to the adoptee an owner's manual, or other packet of information.
  13. Records required by A.A.C. R19-2-331(C)(11) shall be subject to inspection by representatives of the Department.
- B. Within 10 days of whelping, the breeder shall provide notice of whelping to the Department on a Department-approved form. This notice shall include the names of all owners or lessees of the dam at the time of whelping who will be entitled to breeders' awards at a later date. The breeder shall also provide a copy of the Breeding Acknowledgment Form returned to the breeder by the National Greyhound Association (NGA).
  - C. Within 90 days of whelping, the breeder shall provide tattoo numbers of greyhounds from the litter to the Department on a Department-approved form.
  - D. The breeder shall apply for Arizona-bred certification by submitting to the Department the completed application form provided by the Department and a National Greyhound Association Individual Registration Application. The application shall include the names of all owners or lessees of the dam at the time of whelping who shall be entitled to breeders' awards.
  - E. The breeder shall comply with the following rules in order to be eligible for Arizona-bred certification:
    1. A greyhound must be present in Arizona for not less than six months of its first year.
    2. During the greyhound's first year, the breeder shall notify the Department whenever the greyhound is removed from the state.
    3. The Department may conduct inspections at any time to ensure that greyhounds meet the residency requirement.
  - F. The breeder shall make the litter available for inspection by the representatives of the Department at any time. The Department representative shall conduct the inspection of the litter at a location licensed by the Department and designated on the Breeding Acknowledgment Form within 30 days of whelping. The Department representative may conduct additional inspections of the litter to verify tattoo numbers and ensure compliance with requirements of A.R.S. § 5-114(C).
  - G. If the greyhound and its breeder qualify by meeting requirements set forth in subsections (A) through (E), the Department shall certify that the greyhound is Arizona bred and mail all necessary documents, including the National Greyhound Association Individual Registration Application form, to the NGA. A greyhound is considered Arizona bred as of the date indicated on the Department's certificate.
  - H. If the Breeder is ineligible for breeders' awards, the Director shall send a letter to the applicant explaining the ineligibility.
  - I. The Department shall retain a copy of the NGA registration certificate and mail the original to the registered breeder.
  - J. Denial. The Director may deny an application for Arizona-bred certification for any of the following reasons:
    1. Failure to notify the Department of whelping as required by subsection (B),
    2. Failure to provide the greyhound tattoo numbers as required in subsection (C),
    3. Failure to meet the residency requirements in subsection (E)(1) or failure to meet the notification requirement of subsection (E)(2), and
    4. Material misstatement by the breeder.
  - K. The Department shall use information contained in applications and notices submitted to the Department in the event of a conflict between Department records and records of another organization.
  - L. An applicant may appeal a decision of the Director by following the requirements in R19-2-322.

**Historical Note**

Adopted effective February 28, 1995; R19-2-331 recodified from R4-27-331 (Supp. 95-1).

**R19-2-332. Certifying a Greyhound Arizona Bred**

- A. A breeder shall be properly licensed pursuant to A.R.S. § 5-107.01(B) in order to certify an Arizona-bred greyhound.

**Historical Note**

Adopted effective January 6, 1998 (Supp. 98-1).

**ARTICLE 4. TELETRACKING**

*Section R19-2-401 was adopted and subsequently amended*

*under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.*

#### **R19-2-401. Definitions**

For purposes of this Article, in addition to the definitions set forth in R19-2-102 and R19-2-302, and unless the context otherwise requires:

1. "Teletrack Wagering Permit" means a permit issued by the Commission authorizing an Arizona racetrack permittee to telecast a racing program to single or multiple teletrack wagering facilities within the State of Arizona for the purpose of pari-mutuel wagering.
2. "Teletrack Facility" means an additional wagering facility owned or leased by an Arizona permittee which is used for handling legal wagers.
3. "Satellite" means the receiving and retransmission space station which is in orbit with the earth.
4. "Sending Track" means the enclosure where a racing program of authorized live racing is conducted from which teletracking originates.
5. "Teletracking" means the telecast of live audio and visual signals of live or simulcast horse, mule, or greyhound racing programs conducted at an authorized enclosure within Arizona to an authorized additional wagering facility within Arizona, by a racetrack permittee for the purpose of pari-mutuel wagering.
6. "Teletrack Wagering" means pari-mutuel wagering conducted at a teletrack facility within Arizona on a racing program which is conducted at an authorized track within Arizona.
7. "Transmission" means the point-to-point sending and receiving of an audio/visual signal by any method approved by the Arizona Department of Racing.
8. "Operating Hours" means the hours in which pari-mutuel windows are open at a teletrack facility.
9. "Sales Transaction Data" means the electronic signals transmitted between totalisator ticket-issuing machines and the totalisator central processing unit for the purpose of accepting wagers and generating, canceling and cashing pari-mutuel tickets; also, the financial information resulting from processing sales transaction data, such as handle and revenues.
10. "Pari-Mutuel Output Data" means any data provided by the totalisator system other than sales transaction data including, but not limited to, odds, will pays, race results and pay-off prices.
11. "Racing Program" means the live races conducted at an authorized track, approved dark-day simulcasts and any simulcast races shown to the public in conjunction with live racing on which pari-mutuel wagering is allowed.
12. "TIM-To-Tote Linkage" means the connection in which the Ticket Issuing Machines (TIM) are directly connected to the permittee's own calculating or compiling totalisator with no intermediate totalisator systems within that connection.
13. "Tote-To-Tote Linkage" means the connection between the totalisator systems in which one of the systems is not part of the permittee's calculating system and may or may not be used for the compilation of TIM-to-tote wagers within its own wagering network that are then forwarded to the permittee's calculating totalisator system.

14. "Video Breakdown" means any failure in the receipt of a video signal at a teletrack or racetrack facility including any failure to initially acquire a signal.
15. "Video Reception" means the display of wagering information and races as offered to the general public.

#### **Historical Note**

Adopted effective April 3, 1984 (Supp. 84-2). Amended by adding paragraphs (8) and (9) effective August 21, 1985 (Supp. 85-4). Repealed effective December 14, 1994 (Supp. 94-4). R19-2-401 recodified from R4-27-401 (Supp. 95-1). New Section adopted effective February 26, 1996, pursuant to an exemption from the rulemaking process (Supp. 96-1). Amended effective July 22, 1998, pursuant to an exemption from the rulemaking process (Supp. 98-3). Amended by exempt rulemaking at 5 A.A.R. 532, effective January 29, 1999 (Supp. 99-1).

*Section R19-2-402 was adopted under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-105(A)(18). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.*

#### **R19-2-402. Teletrack Wagering**

- A. All applicable Department rules governing pari-mutuel wagering are incorporated by reference as also governing teletrack wagering. Teletrack monies wagered shall be made a part of the pool of the sending track.
- B. Sales transaction data from a teletrack facility to the sending track must be maintained as a separate account for audit purposes.
- C. Sales transaction data shall, by the use of currently approved technology, be transmitted separately from pari-mutuel data and the visual display of the races.
- D. In case of interruption of transmission of sales transaction or pari-mutuel output data to or from the teletrack facility, the designated representative of the Department may require that the amount of wagers which have been accepted be deducted from the sending track pool, the odds recalculated, and those monies bet at the teletrack facility refunded, taking into consideration time, the extent of the breakdown, and the amount of monies wagered.

#### **Historical Note**

Adopted effective April 3, 1984 (Supp. 84-2). Amended effective August 21, 1985 (Supp. 85-4). Repealed effective December 14, 1994 (Supp. 94-4). R19-2-402 recodified from R4-27-401 (Supp. 95-1). New Section adopted effective February 26, 1996, pursuant to an exemption from the rulemaking process (Supp. 96-1).

*Section R19-2-403 was adopted and subsequently amended under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.*

#### **R19-2-403. General Provisions**

The following rules shall apply to each teletrack facility:

1. At the Director's discretion, a Department representative may be present during all operating hours.

2. Suitable back-up or replacement tote equipment shall be available such that down time in the event of equipment failure shall be 60 minutes or less, during operating hours. At teletrack sites with multiple teller equipment installed, back-up equipment may consist of the remaining operating teller machines provided that the remaining machines are sufficient to handle the reasonably anticipated volume of sales transactions without unreasonable delays or inconvenience to patrons.
3. The permittee controlling the teletrack wagering permit is responsible during the racing program for reporting any problems or delays to the public.
4. Security requirements will be adequate to control disturbances.
5. Communications must allow the sending track and teletrack facility to communicate without delay. In a Tote-to-Tote situation, if the data transmission link between the tote systems fail, the permittee holding the teletrack permit shall decide the policy for paying off or refunding pari-mutuel tickets and all other communication failures at the teletrack site.
6. Photo finish pictures of the previous day's live races will be available for viewing upon request within 48 hours.
7. A video display showing the following information must be in operation at each teletrack facility during all operating hours:
  - a. All wagering information including pool totals, will pays, or odds as offered to the general public at the permittee racetrack location;
  - b. Each race shown live, as it is run;
  - c. Race Results;
  - d. Prices or payoff;
  - e. Minutes to post;
  - f. The corresponding race number and track for which the above information is displayed.
8. Notwithstanding subsection (7), should a video breakdown occur in the display of the race and wagering information, the permittee shall immediately contact the Director or his designee. Wagering may continue at the teletrack facility on the affected racing program for the remainder of that racing day provided the following conditions are met:
  - a. The racetrack permittee shall notify the wagering public at the affected teletrack facility of the nature of the breakdown;
  - b. The racetrack permittee shall make immediate and continuing efforts to repair the video breakdown;
  - c. The racetrack permittee shall provide the Director a written report concerning the circumstances within 48 hours of any such breakdown;
  - d. The racetrack permittee shall not accept wagers at the teletrack facility on the affected racing program for any performance on a subsequent racing day until the breakdown has been repaired. The Director may, upon written request, authorize the racetrack permittee to accept wagers at a teletrack facility despite an ongoing video breakdown;
  - e. If there is not a reasonable expectation of video reception, the racetrack permittee shall not accept wagers at the teletrack facility on the affected racing program. The Director may upon written request, authorize the racetrack permittee to accept wagers at a teletrack facility despite the lack of expectation of video reception.
9. Arizona pari-mutuel rules must be available in the wagering area.
10. Notice of any race cancellation, scratches, and other changes shall be posted conspicuously as soon as possible in the wagering area. In addition, it shall be the responsibility of the mutuel manager at the host permittee to disseminate all changes in wagering information to all teletrack wagering locations.
11. The results of each race, and the winnings therefrom, shall be posted as soon as possible at each teletrack facility and shall be available to the wagering public for 24 hours on the race day following the day of the race.
12. A permittee shall report to the Department any violation or suspected violation of law which occurs on or about the premises of the teletrack facility.
13. The permittee shall make daily handle and attendance reports for each teletrack facility as prescribed by the Department.
14. Betting Period:
  - a. Wagering may only be conducted during periods approved by the Director or Commission in respect to any race, racing card, pool or feature pool.
  - b. The Director may prescribe the closing time for pari-mutuel equipment at each facility based on the level of sophistication of the pari-mutuel equipment and transmission equipment.
15. The method used to transmit sales transaction and pari-mutuel output data shall be approved in writing by the Director, based upon the Director's determination that provisions to secure the system and transmissions are satisfactory.
16. The permittee shall provide computer reports pertaining to pari-mutuel activity as required by the Director.

#### Historical Note

Adopted effective April 3, 1984 (Supp. 84-2). Amended paragraphs (16) and (17) effective August 21, 1985 (Supp. 85-4). Repealed effective December 14, 1994 (Supp. 94-4). R19-2-403 recodified from R4-27-403 (Supp. 95-1). New Section adopted effective February 26, 1996, pursuant to an exemption from the rulemaking process (Supp. 96-1). Amended effective July 22, 1998, pursuant to an exemption from the rulemaking process (Supp. 98-3). Amended by exempt rulemaking at 5 A.A.R. 532, effective January 29, 1999 (Supp. 99-1).

*Section R19-2-404 was adopted under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-105(A)(18). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.*

#### **R19-2-404. Application for Original Teletrack Wagering Permit; Plan of Operation; Renewals of Teletrack Wagering Permit**

- A. An applicant must submit an Application for a Teletrack Wagering permit and a Plan of Operation to the Commission before the Commission may grant a teletrack wagering permit. The length of the permit shall not exceed three years. The Plan of Operation shall include but not be limited to the following:
  1. Feasibility and accounts. A feasibility study denoting the estimated gross revenue from the teletrack wagering operation and the estimated costs to operate. The feasibility study shall include:
    - a. The number of races to be displayed,
    - b. The types of wagering to be offered and hours during which pari-mutuel windows will be in operation,

- c. The estimated attendance at all additional wagering facilities,
    - d. The level of anticipated wagering activity,
    - e. The source and amount of estimated revenues other than pari-mutuel wagering,
    - f. The cost of operating the teletrack wagering system,
    - g. The amount and source of revenues needed for financing the teletrack wagering operation,
    - h. Proof of financial stability and assets sufficient to cover projected costs,
    - i. An estimate of the total amount of anticipated revenues to be paid to the state of Arizona resulting from teletrack wagering operations.
  - 2. Proof of compliance with applicable FCC regulations, and applicable FCC licensing requirements.
  - 3. Contracts and agreements. The following information must be submitted in relation to any groups, concessions, or contracts whether within or outside of Arizona which are related to the teletrack wagering operation unless such information is already on record with the Department as part of the permittee's original application to operate racing meet:
    - a. Copy of all contracts to provide service within Arizona;
    - b. Names and background of the individuals responsible for operating the teletrack wagering system;
    - c. Copies of proposed agreements for the transmission of audio-visual signals of racing events and transmission of sales transaction and pari-mutuel output data;
    - d. Other information which, in the Director's judgment, is or may be material, such as information pertaining to financial background and persons associated with the parties to the contract.
  - 4. Security.
    - a. The security measures to be employed to protect the teletrack wagering facilities,
    - b. The security measures to be employed to protect the public,
    - c. The security measures to be employed to prevent the interception of audio and video signal transmission of races,
    - d. The security measures to be employed to protect transmission of sales transaction and pari-mutuel output data.
  - 5. Equipment, communication, and transmission.
    - a. The type of data processing, communication, and transmission equipment to be utilized;
    - b. A description of all computer services and all other methods utilized for the transmission of any data or signal;
    - c. A description of any alternate or backup system in case of principal system failure of communications or data-processing equipment used for forwarding wagers;
    - d. Identification of satellite, if applicable;
    - e. Additional information which may be required, at the discretion of the Director, such as the names, addresses, and phone numbers of all individuals who will be involved in the delivery of the signal.
- B.** Approval and amendments. A permittee shall conduct a teletrack wagering operation only according to the provisions of an approved Plan of Operation. Any change to the Plan of Operation will be allowed only when approved in writing by the Director. A permittee shall:
- 1. Report to the Department any changes in ownership/management groups,
  - 2. Provide to the Department new contracts or amendments to existing ones,
  - 3. Request the approval of the Director for any change in technology used to transmit sales transaction data,
  - 4. Notify the Department of any change in the Plan of Operation.
- C.** Renewal. A permittee shall apply to the Racing Commission for renewal of its teletrack wagering permit at the time it makes application for a permit to operate a racing meet. The application for renewal shall provide the information required in subsections (A)(1) through (5) above.

#### Historical Note

Adopted effective April 3, 1984 (Supp. 84-2). Amended effective August 21, 1985 (Supp. 85-4). Repealed effective December 14, 1994 (Supp. 94-4). R19-2-404 recodified from R4-27-404 (Supp. 95-1). New Section adopted effective February 26, 1996, pursuant to an exemption from the rulemaking process (Supp. 96-1).

*Section R19-2-405 was adopted under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-105(A)(18). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.*

#### **R19-2-405. Application for Approval of Additional Wagering Facilities; Plan of Operation; Renewal or Approval of Additional Wagering Facilities**

- A.** A permittee who holds a permit for teletrack wagering shall submit an Application for Approval and a Plan of Operation for each additional teletrack wagering facility to the Racing Commission. The length of the permit for an additional wagering facility shall not exceed three years. The Plan of Operation shall include but not be limited to the following:
- 1. Feasibility and accounts. A feasibility study denoting the estimated gross revenue from the teletrack facility and the estimated costs to operate the facility. The feasibility study shall include:
    - a. The number of races to be displayed,
    - b. The types of wagering to be offered and the hours during which pari-mutuel windows will be in operation,
    - c. The estimated attendance at the teletrack facility,
    - d. The level of anticipated wagering activity,
    - e. The source and amount of estimated revenues from sources other than pari-mutuel wagering,
    - f. The cost of operating the facility,
    - g. The amount and source of revenues needed for financing the teletrack wagering operation,
    - h. Proof of financial stability and assets sufficient to cover projected costs,
    - i. An estimate of the total amount of anticipated revenues to be paid to the state of Arizona resulting from teletrack wagering.
  - 2. Contracts and agreements. The following information must be submitted in relation to any groups, concessions, or contracts, whether within or outside of Arizona, which are connected with the operation of a teletrack facility, unless such information is already on record.
    - a. Listing and background of the management groups responsible for the operation of the facility;

- b. The names of all individuals who own 10% or more of the facility;
  - c. Other information which, in the Director's judgment, is or may be material, such as information pertaining to financial background and persons associated with the parties to the contract.
3. Security. The measures to be employed to protect the facility, the employees, the public, and the wagering dollars.
  4. Location of the teletrack wagering facility.
  5. Proof that approval for use of the facility to handle pari-mutuel wagering has been given by the governing body of the city or town or by the board of supervisors, if the facility is located in an unincorporated area.
  6. Building plans and specifications. Adequate provision shall be made for areas appropriate for patrons to handicap the races and the facilities shall allow reasonable access by handicapped persons.
- B.** Approval and amendments shall be the same as provided in R19-2-404(B).
- C.** Renewal. A permittee shall apply to the Department for renewal of its additional wagering facility permits at the time it makes application to renew its Teletrack Wagering Permit. Upon receipt of a completed application, the Director may approve the:
1. Renewal of a teletrack wagering facility,
  2. A permittee's application to begin operation at a teletrack wagering facility previously approved by the Racing Commission and currently used by another permittee.
- D.** After receiving approval from the Racing Commission, a new facility may not open for business for a period of five working days or until all licensing requirements are satisfied. Should the necessary licensing requirements be completed in less than five working days, the remaining days may be waived by the Director.

#### Historical Note

Adopted effective April 3, 1984 (Supp. 84-2). Amended effective August 21, 1985 (Supp. 85-4). Repealed effective December 14, 1994 (Supp. 94-4). R19-2-405 recodified from R4-27-405 (Supp. 95-1). New Section adopted effective February 26, 1996, pursuant to an exemption from the rulemaking process (Supp. 96-1).

*Section R19-2-406 was adopted under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-105(A)(18). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.*

#### R19-2-406. Requisites for a Teletrack Wagering System

After a permit has been granted by the Commission but prior to beginning operation, if the applicant is required to utilize encoding and decoding systems, applicant will submit the following to the Director:

1. A description of the coding system used for any authorized encoding and decoding systems;
2. Number and manufacturer of any encoders and decoders;
3. Serial numbers of all encoders and decoders, updated monthly;
4. Number and location of decoders, updated monthly.

#### Historical Note

Adopted effective April 3, 1984 (Supp. 84-2). Amended effective August 21, 1985 (Supp. 85-4). Repealed effective

December 14, 1994 (Supp. 94-4). R19-2-406 recodified from R4-27-406 (Supp. 95-1). New Section adopted effective February 26, 1996, pursuant to an exemption from the rulemaking process (Supp. 96-1).

*Section R19-2-407 was adopted under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-105(A)(18). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.*

#### R19-2-407. Transmission

- A.** Only persons authorized in writing by the Director will have access to the encoder and decoder. An updated list of the location of all decoders, controlled by the sending track or its designee, capable of obtaining the race signal of Arizona racetracks, shall be provided to the Department every 30 days.
- B.** Decoder authorization codes shall be changed more often than every 30 days and changes may be required more often by the Director.
- C.** The sending track or its licensed designee (who must be approved by the Director) will be the sole controller of the codes.

#### Historical Note

Adopted effective April 3, 1984 (Supp. 84-2). Repealed effective December 14, 1994 (Supp. 94-4). R19-2-407 recodified from R4-27-407 (Supp. 95-1). New Section adopted effective February 26, 1996, pursuant to an exemption from the rulemaking process (Supp. 96-1).

*Section R19-2-408 was adopted under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-105(A)(18). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.*

#### R19-2-408. Suspension of Teletrack Permit

- A.** The Director or the Director's designee may suspend any permit authorizing the operation of teletrack wagering or may suspend any permit to operate an additional wagering facility granted to a permittee if such permittee fails to conduct operations in accordance with the provisions of the applicable Plan of Operation, the applicable rules, or directives, or statutes.
- B.** If the Director finds that the public health, safety, or welfare imperatively requires emergency action, the Director may order summary suspension of a teletrack wagering permit or may order summary suspension of any permit authorizing operation of an additional wagering facility, pending a hearing.

#### Historical Note

Adopted effective April 3, 1984 (Supp. 84-2). Repealed effective December 14, 1994 (Supp. 94-4). R19-2-408 recodified from R4-27-408 (Supp. 95-1). New Section adopted effective February 26, 1996, pursuant to an exemption from the rulemaking process (Supp. 96-1).

*Section R19-2-409 was adopted under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-105(A)(18). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory*

**Review Council or the Attorney General.****R19-2-409. Licensing of Employees at Teletrack Facilities**

- A. A teletrack wagering facility shall not participate in teletrack wagering unless all individuals required to be licensed in subsection (B) have been licensed.
- B. The following individuals shall be licensed by the Department prior to participating in teletrack wagering:
  1. All persons employed at any teletrack facility by any permittee,
  2. All persons who own 10% or more in a teletrack facility leased be a permittee,
  3. Any individual employed by the facility who has responsibility as manager of the facility during operating (racing) hours,
  4. Any other person designated by the Director.

**Historical Note**

Adopted effective April 3, 1984 (Supp. 84-2). Repealed effective December 14, 1994 (Supp. 94-4). R19-2-409 recodified from R4-27-409 (Supp. 95-1). New Section adopted effective February 26, 1996, pursuant to an exemption from the rulemaking process (Supp. 96-1).

*Section R19-2-410 was adopted under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-105(A)(18). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.*

**R19-2-410. Directives**

Notwithstanding anything contained in this Article, decisions on other matters which arise concerning teletrack facility operations may be made by the Director, within the scope of the Director's statutory authority. The decisions shall be effective immediately upon written notification.

**Historical Note**

Adopted effective April 3, 1984 (Supp. 84-2). Repealed effective December 14, 1994 (Supp. 94-4). R19-2-410 recodified from R4-27-410 (Supp. 95-1). New Section adopted effective February 26, 1996, pursuant to an exemption from the rulemaking process (Supp. 96-1).

**ARTICLE 5. PARI-MUTUEL WAGERING**

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

**R19-2-501. General**

Each permittee shall conduct wagering in accordance with applicable laws and these rules. Such wagering shall employ a pari-mutuel system approved by the Department. The totalisator shall be tested prior to and during the meeting as required by the Department.

**Historical Note**

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-501 recodified from R4-27-501 (Supp. 95-1).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

**R19-2-502. Records**

- A. The permittee shall maintain records of all wagering so the Department may review such records for any contest including the opening line, subsequent odds fluctuation, the amount and at which window wagers were placed on any betting, interest, and such other information as may be required. Such wagering records shall be retained by each permittee and safeguarded for a period of time specified by the Department. The Department may require that certain of these records be made available to the wagering public at the completion of each contest.
- B. The permittee shall provide the Department with a list of the licensed individuals afforded access to pari-mutuel records and equipment at the wagering facility.

**Historical Note**

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-502 recodified from R4-27-502 (Supp. 95-1).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

**R19-2-503. Pari-mutuel Tickets**

A pari-mutuel ticket is evidence of a contribution to the pari-mutuel pool operated by the permittee and is evidence of the obligation of the permittee to pay to the holder thereof such portion of the distributable amount of the pari-mutuel pool as is represented by such valid pari-mutuel ticket. The permittee shall cash all valid winning tickets when such are presented for payment during the course of the meeting where sold, and for a one-year period after the last day of the meeting. Each pari-mutuel ticket purchaser agrees to abide by the terms and provisions of these rules, other applicable rules of the Arizona Racing Commission, and by the laws of the state of Arizona.

1. To be deemed a valid pari-mutuel ticket, such ticket shall have been issued by a pari-mutuel ticket machine operated by the permittee and recorded as a ticket entitled to a share of the pari-mutuel pool and contain imprinted information as to:
  - a. The name of the permittee operating the meeting,
  - b. A unique identifying number or code,
  - c. Identification of the terminal at which the ticket was issued,
  - d. A designation of the performance for which the wagering transaction was issued,
  - e. The contest number for which the pool is conducted,
  - f. The type or types of wagers represented,



- g. The number or numbers representing the betting interests for which the wager is recorded,
  - h. The amount or amounts of the contributions to the pari-mutuel pool or pools for which the ticket is evidence.
2. No pari-mutuel ticket recorded or reported as previously paid, cancelled, or nonexistent shall be deemed a valid pari-mutuel ticket by the permittee. The permittee may withhold payment and refuse to cash any pari-mutuel ticket deemed not valid, except as provided in R19-2-504(E) of these rules.

#### Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-503 recodified from R4-27-503 (Supp. 95-1).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

#### R19-2-504. Pari-mutuel Ticket Sales

- A. Pari-mutuel tickets shall not be sold by anyone other than a permittee licensed to conduct pari-mutuel wagering, and such tickets shall be sold within the enclosure in which authorized racing takes place and at all facilities pursuant to A.R.S. § 5-111 and A.R.S. § 5-112.
- B. No pari-mutuel ticket may be sold on a contest for which wagering has already been closed and no permittee shall be responsible for ticket sales entered into but not completed by issuance of a ticket before the totalisator is closed for wagering on such contest.
- C. Claims pertaining to a mistake on an issued or unissued ticket must be made by the bettor prior to leaving the seller's window.
- D. Payment on winning pari-mutuel wagers shall be made on the basis of the order of finish as purposely posted and declared "official." Any subsequent change in the order of finish or award of purse money as may result from a subsequent ruling by the stewards or Department shall in no way affect the pari-mutuel payoff. If an error in the posted order of finish or payoff figures is discovered, the official order of finish or payoff prices may be corrected and an announcement concerning the change shall be made to the public.
- E. The permittee shall not satisfy claims on lost, mutilated, or altered pari-mutuel tickets without authorization of the Department.
- F. The permittee shall have no obligation to enter a wager into a betting pool if unable to do so due to equipment failure.
- G. Pari-mutuel tickets shall neither be sold nor purchased by anyone under 18 years of age.

#### Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-504 recodified from R4-27-504 (Supp. 95-1).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title*

*41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

#### R19-2-505. Advance Performance Wagering

No permittee shall permit wagering to begin more than one day before scheduled post time of the first contest of a performance unless it has first obtained the authorization of the Department.

#### Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-505 recodified from R4-27-505 (Supp. 95-1).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

#### R19-2-506. Claims for Payment from Pari-mutuel Pool

At a designated location, a written, verified claim for payment from a pari-mutuel pool shall be accepted by the permittee in any case where the permittee has withheld payment or has refused to cash a pari-mutuel wager. The claim shall be made on such form as approved by the Department, and the claimant shall make such claim under penalty of perjury. The original of such claim shall be forwarded to the Department within 48 hours.

- 1. In the case of a claim made for payment of a mutilated pari-mutuel ticket which does not contain the total imprinted elements required pursuant to R19-2-503(1) of these rules, the permittee shall make a recommendation to accompany the claim forwarded to the Department as to whether or not the mutilated ticket has sufficient elements to be positively identified as a winning ticket.
- 2. In the case of a claim made for payment on a pari-mutuel wager, the Department shall adjudicate the claim and may order payment thereon from the pari-mutuel pool or by the permittee, or may deny the claim, or may make such other order as it may deem proper.

#### Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-506 recodified from R4-27-506 (Supp. 95-1).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

**R19-2-507. Payment for Errors**

If an error occurs in the payment amounts for pari-mutuel wagers which are cashed or entitled to be cashed and, as a result of such error, the pari-mutuel pool involved in the error is not correctly distributed among winning ticket holders, the following shall apply:

1. Verification is required to show that the amount of the commission, the amount in breakage, and the amount in payoffs is equal to the total gross pool. If the amount of the pool is more than the amount used to calculate the payoff, the underpayment shall be paid to the Department for deposit into the State Treasury.
2. Any claim not filed with the permittee within 30 days, inclusive of the date on which the underpayment was publicly announced, shall be deemed waived, and the permittee shall have no further liability therefore.
3. In the event the error results in an overpayment to winning wagers, the permittee shall be responsible for such payment.

**Historical Note**

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-507 recodified from R4-27-507 (Supp. 95-1).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

**R19-2-508. Betting Explanation**

A summary explanation of pari-mutuel wagering and each type of betting pool offered shall be published in the program for every wagering performance. The rules of racing relative to each type of pari-mutuel pool offered must be prominently displayed on permittee grounds and available upon request through permittee representatives.

**Historical Note**

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-508 recodified from R4-27-508 (Supp. 95-1).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

**R19-2-509. Display of Betting Information**

- A. Approximate odds for Win pool betting shall be posted on display devices within view of the wagering public and updated at intervals of not more than 90 seconds.
- B. The probable payoff or amounts wagered, in total and on each betting interest, for other pools shall be displayed to the wagering public at intervals and in a manner approved by the Department.

- C. Official results and payoffs must be displayed upon each contest being declared official.

**Historical Note**

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-509 recodified from R4-27-509 (Supp. 95-1).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

**R19-2-510. Cancelled Contests**

- A. If a contest is cancelled or declared "no contest," refunds shall be granted on valid wagers in accordance with these rules.
- B. Should less than three contestants in a greyhound race finish, the contest shall be declared "no contest," and refunds shall be granted on valid wagers in accordance with these rules.

**Historical Note**

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-510 recodified from R4-27-510 (Supp. 95-1).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

**R19-2-511. Refunds**

- A. Notwithstanding other provisions of these rules, refunds of the entire pool shall be made on:
  1. Win pools, Exacta pools, and first-half Double pools offered in contests in which the number of betting interests has been reduced to fewer than 2.
  2. Place pools, Quinella pools, Trifecta pools, first-half Quinella Double pools, first-half Twin Quinella pools, first-half Twin Trifecta pools, and first-half Tri-Superfecta pools offered in contests in which the number of betting interests has been reduced to fewer than 3.
  3. Show pools, Superfecta pools, and first-half Twin Superfecta pools offered in contests in which the number of betting interests has been reduced to fewer than 4.
- B. Authorized refunds shall be paid upon presentation and surrender of the affected pari-mutuel ticket.

**Historical Note**

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-511 recodified from R4-27-511 (Supp. 95-1).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption*

*from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

#### **R19-2-512. Coupled Entries and Mutuel Fields**

- A. Contestants coupled in wagering as a coupled entry or mutuel field shall be considered part of a single betting interest for the purpose of price calculations and distribution of pools. Should any contestant in a coupled entry or mutuel field be officially withdrawn or scratched, the remaining contestants in that coupled entry or mutuel field shall remain valid betting interests and no refunds will be granted. If all contestants within a coupled entry or mutuel field are scratched, then tickets on such betting interests shall be refunded, notwithstanding other provisions of these rules.
- B. For the purpose of price calculations only, coupled entries and mutuel fields shall be calculated as a single finisher, using the finishing position of the leading contestant in that coupled entry or mutuel field to determine order of placing. This rule shall apply to all circumstances, including situations involving a dead heat, except as otherwise provided by these rules.

#### **Historical Note**

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-512 recodified from R4-27-512 (Supp. 95-1).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

#### **R19-2-513. Pools Dependent upon Betting Interests**

Unless the Department otherwise provides, at the time the pools are opened for wagering, the permittee:

1. May offer win, place, and show wagering on all contests with six or more betting interests.
2. May be allowed to prohibit show wagering on any contest with five or fewer betting interests scheduled to start.
3. May be allowed to prohibit place wagering on any contest with four or fewer betting interests scheduled to start.
4. May be allowed to prohibit Quinella wagering on any contest with three or fewer betting interests scheduled to start.
5. May be allowed to prohibit Quinella Double wagering on any contests with three or fewer betting interests scheduled to start.
6. May be allowed to prohibit Exacta wagering on any contest with three or fewer betting interests scheduled to start.
7. Shall prohibit Trifecta wagering on any horse racing contest with five or fewer betting interests scheduled to start. The permittee shall prohibit Trifecta wagering on any greyhound contest with five or fewer betting interests scheduled to start.
8. Shall prohibit Superfecta wagering on any contest with six or fewer betting interests scheduled to start.

9. May be allowed to prohibit Twin Quinella wagering on any contests with three or fewer betting interests scheduled to start.
10. Shall prohibit Twin Trifecta wagering on any contests with six or fewer betting interests scheduled to start.
11. Shall prohibit Tri-Superfecta wagering on any contests with seven or fewer betting interests scheduled to start.
12. Shall prohibit Twin Superfecta wagering on any contests with seven or fewer betting interests scheduled to start.
13. May prohibit wagering on any particular contestant or contestants in stakes races, if such exclusions are clearly indicated within the program.

#### **Historical Note**

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-513 recodified from R4-27-513 (Supp. 95-1). Amended effective July 3, 1996 (Supp. 96-3). Amended by exempt rulemaking at 6 A.A.R. 786, effective February 1, 2000 (Supp. 00-1).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

#### **R19-2-514. Prior Approval Required for Betting Pools**

- A. A permittee that desires to offer new forms of wagering must apply in writing to the Department and receive written approval prior to implementing the new betting pool.
- B. The permittee may suspend previously approved forms of wagering with the prior approval of the Department. Any carryover shall be held until the suspended form of wagering is reinstated. A permittee may request approval of a form of wagering or separate wagering pool for specific performances.

#### **Historical Note**

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-514 recodified from R4-27-514 (Supp. 95-1).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

#### **R19-2-515. Closing of Wagering in a Contest**

- A. A Department representative shall close wagering for each contest after which time no pari-mutuel tickets shall be sold for that contest.
- B. The permittee shall maintain, in good order, a system approved by the Department for closing wagering.
  1. Should the totalisator fail mechanically and become unreliable as to the amounts wagered, the payoff shall be

computed on the sums then wagered in each pool as shown by the recapitulation of the sales registered by each ticket-issuing device. If the pari-mutuel equipment renders such recapitulation impossible, all money wagered on the contest shall be refunded.

2. In the event that a breakdown of the totalisator cannot be repaired during wagering on a contest, the wagering for that contest shall be declared closed. The payoff for such a race shall be computed on the sums wagered in each pool prior to the breakdown, subject to the limitations of subsection (B)(1) of this Section.

#### Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-515 recodified from R4-27-515 (Supp. (5-1)).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

#### R19-2-516. Complaints Pertaining to Pari-mutuel Operations

- A. When a patron makes a complaint regarding the pari-mutuel department to a permittee, the permittee shall immediately issue a complaint report setting out:
  1. The name of the complainant;
  2. The nature of the complaint;
  3. The name of the persons, if any, against whom the complaint was made;
  4. The date of the complaint;
  5. The action taken or proposed to be taken, if any, by the permittee.
- B. The permittee shall submit every complaint report to the Department within 48 hours after the complaint was made.

#### Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-516 recodified from R4-27-516 (Supp. 95-1).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

#### R19-2-517. Licensed Employees

All licensees shall report any known irregularities or wrongdoings by any person involving pari-mutuel wagering immediately to the Department and cooperate in subsequent investigations.

#### Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-517 recod-

ified from R4-27-517 (Supp. 95-1).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

#### R19-2-518. State Mutuel Supervisor

- A. The Director shall appoint a state mutuel supervisor who shall monitor the pari-mutuel department and wagering at all race meetings and additional wagering facilities.
- B. A permittee shall grant the state mutuel supervisor and Department unrestricted access to its facilities and equipment and to all books, ledgers, accounts, documents, and records pertaining to pari-mutuel wagering.
- C. The state mutuel supervisor shall receive all requested information from a permittee's officers and employees promptly and shall receive full cooperation while carrying out the duties of that office.
- D. The state mutuel supervisor shall report to the Director and stewards any failure of the permittee, including its officers and employees, to comply with both the provisions of these rules and the laws of the state of Arizona.

#### Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-518 recodified from R4-27-518 (Supp. 95-1).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

#### R19-2-519. Mutuel Manager

- A. In the event of an emergency in connection with the pari-mutuel department not covered in these rules, the mutuel manager representing the permittee shall report the problem to the stewards and the permittee, and the stewards shall render a full report to the Department within 48 hours.
- B. The mutuel manager shall be responsible for the correctness of all payoff prices posted on the odds board, subject to the limitations of nonfraudulent human and mechanical errors. In the event that a payoff is both incorrectly posted and paid, the mutuel manager shall file with the Department a complete report explaining the circumstances prior to the next racing day.
- C. The mutuel manager shall provide the Department with, upon request, complete and detailed reports of each race day; including the handle of each race, the total handle and attendance, the payoffs on each race, breakage and commission, opening and closing lines, and sellers' shortages and overages.

#### Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to

A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-519 recodified from R4-27-519 (Supp. 95-1).

**R19-2-520. Reserved**

*The following Section was adopted and subsequently amended under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rule-making to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

**R19-2-521. Simulcast Wagering**

- A. The Department may authorize a racetrack permittee to conduct simulcasting as defined in A.R.S. § 5-101 pursuant to A.R.S. § 5-112 and the Interstate Horse Racing Act of 1978.
- B. A racetrack permittee shall submit a request for sending or receiving of simulcasts in writing to the Director of the Department.
- C. For approval of horse simulcasts, the Department requires the following:
  - 1. A completed simulcast agreement between a racetrack permittee and out-of-state entity specifying which races will be simulcast to or from each specific track involved in the agreement.
  - 2. Written approval of the out-of-state horsemen's group, if applicable.
  - 3. Written approval of the out-of-state racing commission.
  - 4. Written approval of the local horsemen's group. For purposes of this Section, horsemen's group is the group which represents the majority of the horsemen racing at or contracted with the racetrack permittee.
- D. For approval of greyhound simulcasts, the Department requires the following:
  - 1. A completed simulcast agreement between a racetrack permittee and out-of-state entity.
  - 2. Written approval of the out-of-state racing commission.
- E. Withdrawal of any of the written approvals required in subsections (C) and (D) shall at any time constitute grounds for the Department to rescind authorization for simulcasting.
- F. Additional Wagering Facilities
  - 1. A racetrack permittee may conduct simulcasting at the racetrack enclosure and at any additional wagering facility operated by the racetrack permittee providing that the additional wagering facility is included in the simulcast agreement.
  - 2. A racetrack permittee may send its simulcast signal to an out-of-state racetrack enclosure and any additional wagering facilities operated or used by the out-of-state entity providing all locations receiving the simulcast signal are included in the simulcast agreement.
- G. Duties of Sending Racetrack Permittee
  - 1. The sending racetrack permittee is responsible for content of the simulcast and shall use all reasonable effort to present a simulcast which offers the viewers an exemplary depiction of each performance.
  - 2. Unless otherwise permitted by the Department, every simulcast will contain in its video content a digital signal of actual time of day, the name of the host facility from where it emanates, the number of the contest being displayed, and any other relevant information available to patrons at the sending facility.

- 3. The sending racetrack permittee shall maintain such security controls including encryption over its uplink and communications systems as directed or approved by the Department.

**H. Duties of Receiving Racetrack Permittee**

- 1. A receiving racetrack permittee conducting a live commercial racing meeting in this state may conduct and operate a pari-mutuel wagering system on the results of contests being held or conducted and simulcast from the enclosures of one or more sending racetrack permittees outside this state and with approval of the Department.
- 2. Receiving racetrack permittee shall provide:
  - a. Adequate transmitting and receiving equipment of acceptable broadcast quality, which shall not interfere with the closed-circuit TV system of the sending racetrack permittee for providing any sending facility patron information.
  - b. Pari-mutuel terminals, pari-mutuel odds displays, modems, and switching units enabling pari-mutuel data transmissions, and data communications between the sending and receiving racetrack permittees.
  - c. A voice communication system between receiving racetrack permittee and the sending racetrack permittee providing timely voice contact among the Department designees, placing judges, and pari-mutuel departments.
  - d. A monthly copy of the simulcast schedule and any amendments to that schedule to the Department.
- 3. A receiving racetrack permittee shall conduct pari-mutuel wagering pursuant to the applicable Department rules.
- 4. With the exception of the cases in subsection (I)(1), at all times the live video signal shall be shown to the wagering public.
- 5. The Department may appoint at least one designee to supervise all approved simulcast facilities and may require additional designees as is reasonably necessary for the protection of the public interest.

**I. Acquisition and Subsequent Loss of Simulcast Video Signal**

- 1. Should a video breakdown occur in the display of the race and wagering information, the permittee shall immediately contact the Director or the Director's designee. Wagering may continue at the permittee racetrack location on the affected racing program for the remainder of that racing day provided the following conditions are met:
  - a. The racetrack permittee shall notify the wagering public of the nature of the breakdown;
  - b. The racetrack permittee shall make immediate and continuing efforts to repair the video breakdown;
  - c. The racetrack permittee shall provide the Director a written report concerning the circumstances within 48 hours of any such breakdown;
  - d. The racetrack permittee shall not accept wagers at the racetrack enclosure on the affected racing program for any performance on a subsequent racing day until the breakdown has been repaired. The Director may, upon written request, authorize the racetrack permittee to accept wagers despite an ongoing video breakdown;
  - e. If there is not a reasonable expectation of video reception, the racetrack permittee shall not accept wagers on the affected racing program. The Director may, upon written request, authorize the racetrack permittee to accept wagers despite an ongoing video breakdown;

- f. For separate pool simulcast wagering, the racetrack permittee shall ensure that the voice communication line between the Arizona Stewards and their out-of-state counterpart remains intact;
  - g. For common pool simulcast wagering, the racetrack permittee shall ensure that the core-to-core link between the Arizona permittee's tote system and the out-of-state tote system remains intact.
2. In accordance with R19-2-505, the racetrack permittee may request in writing to the Director the authorization to conduct advance performance wagering.

#### Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-521 recodified from R4-27-521 (Supp. 95-1). Amended effective February 17, 1998, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 98-1). Amended effective July 22, 1998, pursuant to an exemption under the Administrative Procedure Act. (Supp. 98-3). Amended by exempt rulemaking at 5 A.A.R. 532, effective January 29, 1999 (Supp. 99-1). Amended by exempt rulemaking at 5 A.A.R. 2176, effective June 15, 1999 (Supp. 99-2).

*The following Section was adopted and subsequently amended under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

#### R19-2-522. Interstate Common Pool Wagering

##### A. General

- 1. All contracts governing participation by a racetrack permittee in interstate common pools shall be submitted to the Department for approval.
- 2. Individual wagering transactions are made at the point of sale in the state where placed. Pari-mutuel pools are combined solely for computing odds and calculating payoffs but will be held separate for auditing and all other purposes.
- 3. Any surcharges or withholdings in addition to the takeout shall only be applied in the jurisdiction otherwise imposing such surcharges or withholdings.
- 4. The content and format of the visual display of racing and wagering information at facilities in other jurisdictions where wagering is permitted in the interstate common pool need not be identical to the similar information permitted or required to be displayed under these rules.
- 5. A racetrack permittee may only participate in common pool wagering on the same type of racing as authorized by the permit for live racing conducted by the racetrack permittee.

##### B. Participation in Interstate Common Pools by Receiving Racetrack Permittee

- 1. With the prior approval of the Department, pari-mutuel wagering pools may be combined with corresponding wagering pools at the sending facility outside of this state.
- 2. The Department may permit adjustment of the takeout from the pari-mutuel pool so that the takeout rate in this

jurisdiction is identical to that at the sending track (within the limits permitted by state law).

- 3. Where takeout rates in the merged pool are not identical, the net price calculation shall be the method by which the differing takeout rates are applied.
- 4. Rules of racing as established for the contest in the sending track shall apply to the merged pool.
- 5. The Department shall approve agreements made between the racetrack permittee and other participants in interstate common pools governing the distribution of breakage between the jurisdictions.
- 6. If, for any reason, it becomes impossible to successfully merge the bets placed into the interstate common pool, the racetrack permittee shall make payoffs in accordance with payoff prices that would have been in effect if prices for the pool of bets were calculated without regard to wagers placed elsewhere; except that, with permission of the Department, the racetrack permittee may alternatively determine to either pay winning tickets at the payoff prices at the sending track or declare such accepted bets void and make refunds in accordance with the applicable rules.

##### C. Participation in Merged Pools by Sending Racetrack Permittee

- 1. With the prior approval of the Department, a racetrack permittee conducting a live racing meeting and conducting pari-mutuel wagering may determine that all or part of its racing program be utilized for pari-mutuel wagering by sending all or part of its racing program to facilities outside this state and may also determine that pari-mutuel pools at such facilities be combined with corresponding wagering pools established by it as the sending track.
- 2. Rules of racing established for races held in this state shall also apply to interstate common pools unless the Department shall have specifically otherwise determined.
- 3. The Department shall approve agreements made between the racetrack permittee and other participants in interstate common pools governing the distribution of breakage between the jurisdictions.
- 4. Any contract for interstate common pools entered into by the racetrack permittee shall contain a provision to the effect that if, for any reason, it becomes impossible to successfully merge the bets placed in another state into the interstate common pool formed by the racetrack permittee, or if, for any reason, the Department's or the racetrack permittee's representative determines that attempting to effect transfer of pool data from the receiving facility may endanger the racetrack permittee's wagering pool, the racetrack permittee shall have no liability for any measures taken which may result in the receiving facility's wagers not being accepted into the pool.
- 5. Amounts wagered in an interstate common pool other than amounts wagered within this state shall not be considered part of the racetrack permittee's pari-mutuel wagering pool for purposes of A.R.S. § 5-111. A racetrack permittee may charge a fee to a receiving facility or location outside this state for the privilege of conducting pari-mutuel wagering on the race and participating in the interstate common pool and for payment of costs incurred to transmit the broadcast of the race.
- 6. Should a racetrack permittee experience a breakdown in the sending of the video signal while conducting interstate common pool wagering, the racetrack permittee:
  - a. Shall notify all receiving locations of the technical difficulties being experienced;

- b. May continue to accept wagers from the receiving out-of-state locations provided there is compliance with the guest site's governing agency.

**D.** Takeout Rates in Interstate Common Pools. With prior approval of the Department, a racetrack permittee wishing to participate in an interstate common pool may change its takeout rate (within the limits permitted by state law) so as to achieve a common pool takeout rate with all other participants in the interstate common pool.

#### Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-522 recodified from R4-27-522 (Supp. 95-1). Amended effective February 17, 1998, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 98-1). Amended by exempt rulemaking at 5 A.A.R. 532, effective January 29, 1999 (Supp. 99-1).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

#### **R19-2-523. Calculation of Payoffs and Distribution of Pools**

##### **A. General**

1. All permitted pari-mutuel wagering pools shall be separately and independently calculated and distributed. Takeout shall be deducted from each gross pool as stipulated by law. The remainder of the monies in the pool shall constitute the net pool for distribution as payoff on winning wagers.
2. For each wagering pool, the amount wagered on the winning betting interest or betting combinations is deducted from the net pool to determine the profit; the profit is then divided by the amount wagered on the winning betting interest or combinations, such quotient being the profit per dollar.
3. Either the standard or net price calculation procedure may be used to calculate single commission pools, while the net price calculation procedure must be used to calculate multi-commission pools.

##### **a. Standard Price Calculation Procedure**

###### **SINGLE PRICE POOL (WIN POOL)**

gross pool	=	sum of wagers on all betting interests - refunds
takeout	=	gross pool x percent takeout
net pool	=	gross pool - takeout
profit	=	net pool - gross amount bet on winner
profit per dollar	=	profit / gross amount bet on winner
\$1 unbroken price	=	profit per dollar + \$1
\$1 broken price	=	\$1 unbroken price rounded down to the break point

total payout = \$1 broken price x gross amount bet on winner

total breakage = net pool - total payout

###### **PROFIT SPLIT (PLACE POOL)**

Profit is net pool less gross amount bet on all place finishers. Finishers split profit 1/2 and 1/2 (place profit), then divide by gross amount bet on each place finisher for two unique prices.

###### **PROFIT SPLIT (SHOW POOL)**

Profit is net pool less gross amount bet on all show finishers. Finishers split profit 1/3 and 1/3 and 1/3 (show profit), then divide by gross amount bet on each show finisher for three unique prices.

##### **b. Net Price Calculation Procedure**

###### **SINGLE PRICE POOL (WIN POOL)**

gross pool = sum of wagers on all betting interests - refunds

takeout = gross pool x percent takeout

\* for each source:

net pool = gross pool - takeout

net bet on winner = gross amount bet on winner x (1 - percent takeout)

total net pool = sum of all sources net pools

total net bet on winner = sum of all sources net bet on winner

total profit = total net pool - total net bet on winner

profit per dollar = total profit / total net bet on winner

\$1 unbroken base price = profit per dollar + \$1

\* for each source:

\$1 unbroken price = \$1 unbroken base price x (1 - percent takeout)

\$1 broken price = \$1 unbroken price rounded down to the break point

total payout = \$1 broken price x gross amount bet on winner

total breakage = net pool - total payout

###### **PROFIT SPLIT (PLACE POOL)**

Total profit is the total net pool less the total net amount bet on all place finishers. Finishers split total profit 1/2 and 1/2 (place profit), then divide by total net amount bet on each place finisher for two unique unbroken base prices.

###### **PROFIT SPLIT (SHOW POOL)**

Total profit is the total net pool less the total net amount bet on all show finishers. Finishers split total profit 1/3 and 1/3 and 1/3 (show profit), then divide by total net amount bet on each show finisher for three unique unbroken base prices.

4. If a profit split results in only one covered winning betting interest or combinations, it shall be calculated the same as a single price pool.
5. Minimum payoffs and the method used for calculating breakage shall be established by the Department.

6. The individual pools outlined in these rules may be given alternative names by each permittee, provided prior approval is obtained from the Department.
- B. Win Pools**
1. The amount wagered on the betting interest which finishes first is deducted from the net pool, the balance remaining being the profit; the profit is divided by the amount wagered on the betting interest finishing first, such quotient being the profit per dollar wagered to Win on that betting interest.
  2. The net Win pool shall be distributed as a single price pool to winning wagers in the following precedence, based upon the official order of finish:
    - a. To those whose selection finished first; but if there are no such wagers, then
    - b. To those whose selection finished second; but if there are no such wagers, then
    - c. To those whose selection finished third; but if there are no such wagers, then
    - d. The entire pool shall be refunded on Win wagers for that contest.
  3. If there is a dead heat for first involving:
    - a. Contestants representing the same betting interest, the Win pool shall be distributed as if no dead heat occurred.
    - b. Contestants representing two or more betting interests, the Win pool shall be distributed as a profit split.

Table 1: WIN POOL  
(Standard Price Calculation)

Sum of Wagers on All Betting Interests	=	\$194,230.00
Refunds	=	\$1,317.00
Gross Pool:		
Sum of Wagers on All Betting Interests - Refunds	=	\$192,913.00
Percent Takeout	=	18%
Takeout:		
Gross Pool x Percent Takeout	=	\$34,724.34
Net Pool:		
Gross Pool - Takeout	=	\$158,188.66
Gross Amount Bet on Winner	=	\$23,872.00
Profit:		
Net Pool - Gross Amount Bet on Winner	=	\$134,316.66
Profit Per Dollar:		
Profit / Gross Amount Bet on Winner	=	\$5.6265357
\$1 Unbroken Price:		
Profit Per Dollar + \$1	=	\$6.6265357

- C. Place Pools**
1. The amounts wagered to Place on the first two betting interests to finish are deducted from the net pool, the balance remaining being the profit; the profit is divided into two equal portions, one being assigned to each winning betting interest and divided by the amount wagered to Place on that betting interest, the resulting quotient is the profit per dollar wagered to Place on that betting interest.
  2. The net Place pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
    - a. If contestants of a coupled entry or mutuel field finished in the first two places, as a single price pool to those who selected the coupled entry or mutuel field; otherwise
    - b. As a profit split to those whose selection is included within the first two finishers; but if there are no such wagers on one of those two finishers, then
    - c. As a single price pool to those who selected the one covered betting interest included within the first two finishers; but if there are no such wagers, then
    - d. As a single price pool to those who selected the third-place finisher, but if there are no such wagers, then
    - e. The entire pool shall be refunded on Place wagers for that contest.
  3. If there is a dead heat for first involving:
    - a. Contestants representing the same betting interest, the Place pool shall be distributed as a single price pool.
    - b. Contestants representing two or more betting interests, the Place pool shall be distributed as a profit split.
  4. If there is a dead heat for second involving:
    - a. Contestants representing the same betting interest, the Place pool shall be distributed as if no dead heat occurred.
    - b. Contestants representing two or more betting interests, the Place pool is divided with half of the profit distributed to Place wagers on the betting interest finishing first and the remainder is distributed equally amongst Place wagers on those betting interests involved in the dead heat for second.



Table 2: PLACE POOL

(Standard Price Calculation)

Sum of Wagers on All Betting Interests	=	\$194,230.00
Refunds	=	\$1,317.00
Gross Pool:		
Sum of Wagers on All Betting Interests - Refunds	=	\$192,913.00
Percent Takeout	=	18%
Takeout		
Gross Pool x Percent Takeout	=	\$34,724.34
Net Pool:		
Gross Pool - Takeout	=	\$158,188.66
Gross Amount Bet on first place finisher	=	\$23,872.00
Gross amount Bet on second place finisher	=	\$12,500.00
Profit:		
Net Pool - Gross Amount Bet on first place finisher - Gross Amount Bet on second place finisher	=	\$121,816.66
Place Profit:		
Profit / 2	=	\$60,908.33
Profit Per Dollar for first place:		
Place Profit / Gross Amount Bet on first place finisher	=	\$2.5514548
\$1 Unbroken Price for first place:		
Profit Per Dollar for first place + \$1	=	\$3.5514548
Profit Per Dollar for second place:		
Place Profit / Gross Amount Bet on second place finisher	=	\$4.8726664
\$1 Unbroken Price for second place:		
Profit Per Dollar for second place + \$1	=	\$5.8726664

**D. Show Pools**

1. The amounts wagered to Show on the first three betting interests to finish are deducted from the net pool, the balance remaining being the profit; the profit is divided into three equal portions, one being assigned to each winning betting interest and divided by the amount wagered to Show on that betting interest, the resulting quotient being the profit per dollar wagered to Show on that betting interest.
2. The net Show pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
  - a. If contestants of a coupled entry or mutuel field finished in the first three places, as a single price pool to those who selected the coupled entry or mutuel field; otherwise
  - b. If contestants of a coupled entry or mutuel field finished as two of the first three finishers, the profit is divided with two-thirds distributed to those who selected the coupled entry or mutuel field and one-third distributed to those who selected the other betting interest included within the first three finishers; otherwise
  - c. As a profit split to those whose selection is included within the first three finishers; but if there are no such wagers on one of those three finishers, then
  - d. As a profit split to those who selected one of the two covered betting interests included within the first three finishers; but if there are no such wagers on two of those three finishers, then
  - e. As a single price pool to those who selected the one covered betting interest included within the first three finishers; but if there are no such wagers, then
  - f. As a single price pool to those who selected the fourth-place finisher; but if there are no such wagers, then
  - g. The entire pool shall be refunded on Show wagers for that contest.
3. If there is a dead heat for first involving:
  - a. Two contestants representing the same betting interest, the profit is divided with 2/3rds distributed to those who selected the first-place finishers and one-third distributed to those who selected the betting interest finishing third.
  - b. Three contestants representing a single betting interest, the Show pool shall be distributed as a single price pool.
  - c. Contestants representing two or more betting interests, the Show pool shall be distributed as a profit split.
4. If there is a dead heat for second involving:
  - a. Contestants representing the same betting interest, the profit is divided with one-third distributed to those who selected the betting interest finishing first and two-thirds distributed to those who selected the second-place finishers.
  - b. Contestants representing two betting interests, the Show pool shall be distributed as a profit split.
  - c. Contestants representing three betting interests, the Show pool is divided with one-third of the profit distributed to Show wagers on the betting interest finishing first and the remainder is distributed equally among Show wagers on those betting interests involved in the dead heat for second.
5. If there is a dead heat for third involving:

- a. Contestants representing the same betting interest, the Show pool shall be distributed as if no dead heat occurred.
- b. Contestants representing two or more betting interests, the Show pool is divided with 2/3rds of the profit distributed to Show wagers on the betting interests finishing first and second and the remainder is distributed equally among Show wagers on those betting interests involved in the dead heat for third.

Table 3: SHOW POOL

*(Standard Price Calculation)*

Sum of Wagers on All Betting Interests	=	\$194,230.00
Refunds	=	\$1,317.00
Gross Pool:		
Sum of Wagers on All Betting Interests - Refunds	=	\$192,913.00
Percent Takeout	=	18%
Takeout		
Gross Pool x Percent Takeout	=	\$34,724.34
Net Pool:		
Gross Pool - Takeout	=	\$158,188.66
Gross Amount Bet on first place finisher	=	\$23,872.00
Gross Amount Bet on second place finisher	=	\$12,500.00
Gross Amount Bet on third place finisher	=	\$4,408.00
Profit: Net Pool		
- Gross Amount Bet on first place finisher		
- Gross Amount Bet on second place finisher		
- Gross Amount Bet on third place finisher	=	\$117,408.66
Show Profit:		
Profit / 3	=	\$39,136.22
Profit Per Dollar for first place:		
Show Profit / Gross Amount Bet on first place finisher	=	\$1.6394194
\$1 Unbroken Price for first place:		
Profit Per Dollar for first place + \$1	=	\$2.6394194
Profit Per Dollar for second place:		
Show Profit / Gross Amount Bet on second place finisher	=	\$3.1308976
\$1 Unbroken Price for second place		
Profit Per Dollar for second place + \$1	=	\$4.1308976
Profit Per Dollar for third place:		
Show Profit / Gross Amount Bet on third place finisher	=	\$8.8784528
\$1 Unbroken Price for third place		
Profit Per Dollar for third place + \$1	=	\$9.8784528

Table 4: SHOW POOL

Single Takeout Rate & Single Betting Source

(Net Price Calculation)

Sum of Wagers on All Betting Interests	=	\$194,230.00
Refunds	=	\$1,317.00
Gross Pool:		
Sum of Wagers on All Betting Interests - Refunds	=	\$192,913.00
Percent Takeout	=	18%
Takeout:		
Gross Pool x Percent Takeout	=	\$34,724.34
Total Net Pool:		
Gross Pool - Takeout	=	\$158,188.66
Gross Amount Bet on first place finisher	=	\$23,872.00
Net Amount Bet on first place finisher	=	\$19,575.04
Gross Amount Bet on second place finisher	=	\$12,500.00
Net Amount bet on second place finisher	=	\$10,250.00
Gross Amount Bet on third place finisher	=	\$4,408.00
Net Amount Bet on third place finisher	=	\$3,614.56
Total Net Bet on Winners:		
Net Amount Bet on first place finisher + Net Amount Bet on second place finisher + Net Amount Bet on third place finisher	=	\$33,439.60
Total Profit:		
Total Net Pool - Total Net Bet on Winners	=	\$124,749.06
Show Profit:		
Total Profit / 3	=	\$41,583.02
Profit Per Dollar for first place:		
Show Profit / Net Amount Bet on first place finisher	=	\$2.1242879
\$1 Unbroken Base Price for first place:		
Profit Per Dollar for first place + \$1	=	\$3.1242879
\$1 Unbroken Price for first place:		
\$1 Unbroken Base Price for first place x (1 - percent takeout)	=	\$2.5619161
Profit Per Dollar for second place:		
Show Profit / Net Amount Bet on second place finisher	=	\$4.0568800
\$1 Unbroken Base Price for second place:		
Profit Per Dollar for second place + \$1	=	\$5.0568800
\$1 Unbroken Price for second place:		
\$1 Unbroken Base Price for second place x (1 - percent takeout)	=	\$4.1466416
Profit Per Dollar for third place:		
Show Profit / Net Amount Bet on third place finisher	=	\$11.504310
\$1 Unbroken Base Price for third place:		
Profit Per Dollar for third place + \$1	=	\$12.504310
Unbroken Price for third place:		
\$1 Unbroken Base Price for third place x (1 - percent takeout)	=	\$10.253534

E. Double Pools

1. The Double requires selection of the first-place finisher in each of two specified contests.
2. The net Double pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
  - a. As a single price pool to those whose selection finished first in each of the two contests; but if there are no such wagers, then
  - b. As a profit split to those who selected the first-place finisher in either of the two contests; but if there are no such wagers, then
  - c. As a single price pool to those who selected the one covered first-place finisher in either contest; but if there are no such wagers, then
  - d. As a single price pool to those whose selection finished second in each of the two contests; but if there are no such wagers, then

- e. The entire pool shall be refunded on Double wagers for those contests.
3. If there is a dead heat for first in either of the two contests involving:
  - a. Contestants representing the same betting interest, the Double pool shall be distributed as if no dead heat occurred.
  - b. Contestants representing two or more betting interests, the Double pool shall be distributed as a profit split if there is more than one covered winning combination.
4. Should a betting interest in the first-half of the Double be scratched prior to the first Double contest being declared official, all money wagered on combinations including the scratched betting interest shall be deducted from the Double pool and refunded.
5. Should a betting interest in the second-half of the Double be scratched prior to the close of wagering on the first Double contest, all money wagered on combinations including the scratched betting interest shall be deducted from the Double pool and refunded.
6. Should a betting interest in the second-half of the Double be scratched after the close of wagering on the first Double contest, all wagers combining the winner of the first contest with the scratched betting interest in the second

contest shall be allocated a consolation payoff. In calculating the consolation payoff the net Double pool shall be divided by the total amount wagered on the winner of the first contest and an unbroken consolation price obtained. The broken consolation price is multiplied by the dollar value of wagers on the winner of the first contest combined with the scratched betting interest to obtain the consolation payoff. Breakage is not declared in this calculation. The consolation payoff is deducted from the net Double pool before calculation and distribution of the winning Double payoff. Dead heats including separate betting interests in the first contest shall result in a consolation payoff calculated as a profit split.

7. If either of the Double contests are cancelled prior to the first Double contest, or the first Double contest is declared "no contest," the entire Double pool shall be refunded on Double wagers for those contests.
8. If the second Double contest is cancelled or declared "no contest" after the conclusion of the first Double contest, the net Double pool shall be distributed as a single price pool to wagers selecting the winner of the first Double contest. In the event of a dead heat involving separate betting interests, the net Double pool shall be distributed as a profit split.

Table 5: DOUBLE POOL

*(Standard Price Calculation)*

Sum of Wagers on All Betting Interests	=	\$194,230.00
Refunds	=	\$1,317.00
Gross Pool:		
Sum of Wagers on All Betting Interests - Refunds	=	\$192,913.00
Percent Takeout	=	18%
Takeout:		
Gross Pool x Percent Takeout	=	\$34,724.34
Net Pool:		
Gross Pool - Takeout	=	\$158,188.66
Gross Amount Bet on Winning Combination	=	\$23,872.00
Profit:		
Net Pool - Gross Amount Bet on Winning Combination	=	\$134,316.66
Profit Per Dollar:		
Profit / Gross Amount Bet on Winning Combination	=	\$5.6265357
\$1 Unbroken Price:		
Profit Per Dollar + \$1	=	\$6.6265357

Table 6: DOUBLE POOL

CONSOLATION PRICING

Sum of Wagers on All Betting Interests	=	\$194,230.00
Refunds	=	\$1,317.00
Gross Pool:		
Sum of Wagers on All Betting Interests - Refunds	=	\$192,913.00
Percent Takeout	=	18%
Takeout:		
Gross Pool x Percent Takeout	=	\$34,724.34
Net Pool:		
Gross Pool - Takeout	=	\$158,188.66
Consolation Pool:		
Sum Total Amount Bet on winner of the first contest with all second contest betting interests	=	\$43,321.00
\$1 Consolation Unbroken Consolation Price:		
Net Pool / Consolation Pool	=	\$3.6515468
\$1 Consolation Broken Price	=	\$3.65
Amount Bet on winner of the first contest with scratched betting interests:	=	\$1,234.00
Consolation Liability:		
\$1 Consolation Broken Price x (Amount Bet on the winner of the first contest with scratched betting interests)	=	\$4,504.10
Adjusted Net Pool:		
Net Pool - Consolation Liability	=	\$153,684.56
Gross Amount Bet on the Winning Combination	=	\$23,872.00
Profit:		
Adjusted Net Pool - Gross Amount Bet on the Winning Combination	=	\$129,812.56
Profit Per Dollar:		
Profit / Gross Amount Bet on the Winning Combination	=	\$5.4378586
\$1 Unbroken Price:		
Profit Per Dollar + \$1	=	\$6.4378586

F. Pick 3 Pools

1. The Pick 3 requires selection of the first-place finisher in each of three specified contests.
2. The net Pick 3 pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
  - a. As a single price pool to those whose selection finished first in each of the three contests; but if there are no such wagers, then
  - b. As a single price pool to those who selected the first-place finisher in any two of the three contests; but if there are no such wagers, then
  - c. As a single price pool to those who selected the first-place finisher in any one of the three contests; but if there are no such wagers, then
  - d. The entire pool shall be refunded on Pick 3 wagers for those contests.
3. If there is a dead heat for first in any of the three contests involving:
  - a. Contestants representing the same betting interest, the Pick 3 pool shall be distributed as if no dead heat occurred.
  - b. Contestants representing two or more betting interests, the Pick 3 pool shall be distributed as a single

price pool with each winning wager receiving an equal share of the profit.

4. Should a betting interest in any of the three Pick 3 contests be scratched, the actual favorite, as evidenced by total amounts wagered in the Win pool at the close of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the Win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalisator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.
5. If all three Pick 3 contests are cancelled or declared "no contest," the entire pool shall be refunded on Pick 3 wagers for those contests.
6. If one or two of the Pick 3 contests are cancelled or declared "no contest," the Pick 3 pool shall remain valid and shall be distributed in accordance with subsection (F)(2) of this rule.

G. Pick (n) Pools

1. The Pick (n) requires selection of the first-place finisher in each of a designated number of contests. The permittee

must obtain written approval from the Department concerning the scheduling of Pick (n) contests, the designation of one of the methods prescribed in subsection (G)(2), and the amount of any cap to be set on the carryover. Any changes to the approved Pick (n) format require prior approval from the Department.

2. The Pick (n) pool shall be apportioned under one of the following methods:

- a. *Method 1, Pick (n) with Carryover:* The net Pick (n) pool and carryover, if any, shall be distributed as a single price pool to those who selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests; and the remainder shall be added to the carryover.
- b. *Method 2, Pick (n) with Minor Pool and Carryover:* The major share of the net Pick (n) pool and the carryover, if any, shall be distributed to those who selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. The minor share of the net Pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher of all Pick (n) contests, the minor share of the net Pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests; and the major share shall be added to the carryover.
- c. *Method 3, Pick (n) with No Minor Pool and No Carryover:* The net Pick (n) pool shall be distributed as the single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests, based upon the official order of finish. If there are no winning wagers, the pool is refunded.
- d. *Method 4, Pick (n) with Minor Pool and No Carryover:* The major share of the net Pick (n) pool shall be distributed to those who selected the first-place finisher in the greatest number of Pick (n) contests, based upon the official order of finish. The minor share of the net Pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher in a second greatest number of Pick (n) contests, the minor share of the net Pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests. If the greatest number of first-place finishers selected is 1, the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.
- e. *Method 5, Pick (n) with Minor Pool and No Carryover:* The major share of net Pick (n) pool shall be distributed to those who selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. The minor share of the net Pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of Pick (n) contests, based upon the official

order of finish. If there are no wagers selecting the first-place finisher in all Pick (n) contests, the entire net Pick (n) pool shall be distributed as a single pool to those who selected the first-place finisher in the greatest number of Pick (n) contests. If there are no wagers selecting the first-place finisher in a second greatest number of Pick (n) contests, the minor share of the net Pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in each of the Pick (n) contests. If there are no winning wagers, the pool is refunded.

3. If there is a dead heat for first in any of the Pick (n) contests involving:
  - a. Contestants representing the same betting interest, the Pick (n) pool shall be distributed as if no dead heat occurred.
  - b. Contestants representing two or more betting interests, the Pick (n) pool shall be distributed as a single price pool with each winning wager receiving an equal share of the profit.
4. Should a betting interest in any of the Pick (n) contests be scratched, the actual favorite, as evidenced by total amounts wagered in the Win pool at the host association for the contest at the close of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the Win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalisator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.
5. The Pick (n) pool shall be cancelled and all Pick (n) wagers for the individual performance shall be refunded if:
  - a. At least two contests included as part of a Pick 3 are cancelled or declared "no contest."
  - b. At least three contests included as part of a Pick 4, Pick 5, or Pick 6 are cancelled or declared "no contest."
  - c. At least four contests included as part of a Pick 7, Pick 8, or Pick 9 are cancelled or declared "no contest."
  - d. At least five contests included as part of a Pick 10 are cancelled or declared "no contest."
6. If at least one contest included as part of a Pick (n) is cancelled or declared "no contest," but not more than the number specified in subsection (G)(5) of this rule, the net pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of Pick (n) contests for that performance. Such distribution shall include the portion ordinarily retained for the Pick (n) carryover but not the carryover from previous performances.
7. The Pick (n) carryover may be capped at a designated level approved by the Department so that if, at the close of any performance, the amount in the Pick (n) carryover equals or exceeds the designated cap, the Pick (n) carryover will be frozen until it is won or distributed under other provisions of this rule. After the Pick (n) carryover is frozen, 100% of the net pool, part of which ordinarily would be added to the Pick (n) carryover, shall be distributed to those whose selection finished first in the greatest number of Pick (n) contests for that performance.

8. A written request for permission to distribute the Pick (n) carryover on a specific performance may be submitted to the Department. The request shall contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.
9. Should the Pick (n) carryover be designated for distribution on the final day of the meeting or on another specified date on which there are no wagers selecting the first-place finisher in each of the Pick (n) contests, the entire pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of Pick (n) contests. The Pick (n) carryover shall be designated for distribution on a specified date and performance only under the following circumstances:
  - a. Upon written approval from the Department as provided in subsection (G)(8) of this rule.
  - b. Upon written approval from the Department when there is a change in the carryover cap, a change from one type of Pick (n) wagering to another, or when the Pick (n) is discontinued.
  - c. On the closing performance of the meet or split meet.
10. If, for any reason, the Pick (n) carryover must be held over to the corresponding Pick (n) pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the Department. The Pick (n) carryover plus accrued interest shall then be added to the net Pick (n) pool of the following meet on a date and performance so designated by the Department.
11. With the written approval of the Department, the permittee may contribute to the Pick (n) carryover a sum of money up to the amount of any designated cap.
12. Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of live tickets remaining is strictly prohibited. This shall not prohibit necessary communication between totalisator and pari-mutuel department employees for processing of pool data.
13. The permittee may suspend previously approved Pick (n) wagering with the prior approval of the Department. Any carryover shall be held until the suspended Pick (n) wagering is reinstated. A permittee may request approval of a Pick (n) wager or separate wagering pool for specific performances.

Table 7: PICK 7 POOL

Multiple Takeout Rates & Multiple Betting Sources

(Net Price Calculation)

	Percent Takeout	Gross Pool	Gross Amt. Bet on Win	Net Pool	Net Amt. Bet on Win
Source 1:	16%	\$190,000.00	\$44.00	\$159,600.00	\$36.96
Source 2:	18.5%	\$10,000.00	\$18.00	\$8,150.00	\$14.67
Source 3:	21%	\$525,730.00	\$124.00	\$415,326.70	\$97.96
TOTALS:		\$725,730.00	\$186.00	\$583,076.70	\$149.59
Total Profit:					
Total Net Pool - Total Net Bet on the Winning Combination			=		\$582,927.11
Profit Per Dollar:					
Total Profit / Total Net Bet on the Winning Combination			=		\$3,896.8321
\$1 Unbroken Base Price:					
Profit Per Dollar + \$1			=		\$3,897.8321
\$1 Unbroken Price for Source 1:					
\$1 Unbroken Base Price x (1 - Percent Takeout)			=		\$3,274.1789
\$1 Unbroken Price for Source 2:					
\$1 Unbroken Base Price x (1 - Percent Takeout)			=		\$3,176.7331
\$1 Unbroken Price for Source 3:					
\$1 Unbroken Base Price x (1 - Percent Takeout)			=		\$3,079.2873

H. Place Pick (n) Pools

1. The Place Pick (n) requires selection of the first- or second-place finisher in each of a designated number of contests. The permittee must obtain written approval from the Department concerning the scheduling of Place Pick (n) contests, the designation of one of the methods prescribed in subsection (H)(2), the distinctive name identifying the pool and the amount of any cap to be set on the carryover. Any changes to the approved Place Pick (n) format require prior approval from the Department.
2. The Place Pick (n) pool shall be apportioned under one of the following methods:
  - a. *Method 1, Place Pick (n) with Carryover:* The net Place Pick (n) pool and carryover, if any, shall be distributed as a single price pool to those who selected the first- or second-place finisher in each of the Place Pick (n) contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected the first- or second-place finisher in the greatest number of Place Pick (n) contests; and the remainder shall be added to the carryover.
  - b. *Method 2, Place Pick (n) with Minor Pool and Carryover:* The major share of the net Place Pick (n)

- pool and the carryover, if any, shall be distributed to those who selected the first- or second-place finisher in each of the Place Pick (n) contests, based upon the official order of finish. The minor share of the net Place Pick (n) pool shall be distributed to those who selected the first- or second-place finisher in the second greatest number of Place Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first- or second-place finisher of all Place Pick (n) contests, the minor share of the net Place Pick (n) pool shall be distributed as a single price pool to those who selected the first- or second-place finisher in the greatest number of Place Pick (n) contests; and the major share shall be added to the carryover.
- c. *Method 3, Place (n) Pick with No Minor Pool and No Carryover:* The net Place Pick (n) pool shall be distributed as a single price pool to those who selected the first- or second-place finisher in the greatest number of Place Pick (n) contests, based upon the official order of finish. If there are no major winning wagers, the pool is refunded.
  - d. *Method 4, Place Pick (n) with Minor Pool and No Carryover:* The major share of the net Place Pick (n) pool shall be distributed to those who selected the first- or second-place finisher in the greatest number of Place Pick (n) contests, based upon the official order of finish. The minor share of the net Place Pick (n) pool shall be distributed to those who selected the first- or second-place finisher in the second greatest number of Place Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first- or second-place finisher in a second greatest number of Place Pick (n) contests, the minor share of the net Place Pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first- or second-place finisher in the greatest number of Place Pick (n) contests. If the greatest number of first- or second-place finishers selected is 1, the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.
  - e. *Method 5, Place Pick (n) with Minor Pool and No Carryover:* The major share of the net Place Pick (n) pool shall be distributed to those who selected the first- or second-place finisher in each of the Place Pick (n) contests, based upon the official order of finish. The minor share of the net Place Pick (n) pool shall be distributed to those who selected the first- or second-place finisher in the second greatest number of Place Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first- or second-place finisher in all Place Pick (n) contests, the entire net Place Pick (n) pool shall be distributed as a single price pool to those who selected the first- or second-place finisher in the greatest number of Place Pick (n) contests. If there are no wagers selecting the first or second-place finisher in a second greatest number of Place Pick (n) contests, the minor share of the net Place Pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first- or second-place finisher in each of the Place Pick (n) contests. If there are no winning wagers, the pool is refunded.
3. If there is a dead heat for first in any of the Place Pick (n) contests involving:
    - a. Contestants representing the same betting interest, the Place Pick (n) pool shall be distributed as if no dead heat occurred.
    - b. Contestants representing two or more betting interests, the Place Pick (n) pool shall be distributed as a single price pool with a winning wager including each betting interest participating in the dead heat.
  4. If there is a dead heat for second in any of the Place Pick (n) contests involving:
    - a. Contestants representing the same betting interest, the Place Pick (n) pool shall be distributed as if no dead heat occurred.
    - b. Contestants representing two or more betting interests, the Place Pick (n) pool shall be distributed as a single price pool with a winning wager including the betting interest which finished first or any betting interest involved in a dead heat for second.
  5. Should a betting interest in any Place Pick (n) contest be scratched, the actual favorite, as evidenced by total amounts wagered in the Win pool at the host association for the contest at the close of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the Win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalisator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.
  6. The Place Pick (n) pool shall be cancelled and all Place Pick (n) wagers for the individual performance shall be refunded if:
    - a. At least two contests included as part of a Place Pick 3 are cancelled or declared "no contest."
    - b. At least three contests included as part of a Place Pick 4, Place Pick 5, or Place Pick 6 are cancelled or declared "no contest."
    - c. At least four contests included as part of a Place Pick 7, Place Pick 8, or Place Pick 9 are cancelled or declared "no contest."
    - d. At least five contests included as part of a Place Pick 10 are cancelled or declared "no contest."
  7. If at least one contest included as part of a Place Pick (n) is cancelled or declared "no contest," but not more than the number specified in subsection (H)(6) of this rule, the net pool shall be distributed as a single price pool to those whose selection finished first or second in the greatest number of Place Pick (n) contests for that performance. Such distribution shall include the portion ordinarily retained for the Place Pick (n) carryover but not the carryover from previous performances.
  8. The Place Pick (n) carryover may be capped at a designated level approved by the Department so that if, at the close of any performance, the amount in the Place Pick (n) carryover equals or exceeds the designated cap, the Place Pick (n) carryover will be frozen until it is won or distributed under other provisions of this rule. After the Place Pick (n) carryover is frozen, 100% of the net pool, part of which ordinarily would be added to the Place Pick (n) carryover, shall be distributed to those whose selection finished first or second in the greatest number of Place Pick (n) contests for that performance.



9. A written request for permission to distribute the Place Pick (n) carryover on a specific performance may be submitted to the Department. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.
  10. Should the Place Pick (n) carryover be designated for distribution on a specified date and performance in which there are no wagers selecting the first- or second-place finisher in each of the Place Pick (n) contests, the entire pool shall be distributed as a single price pool to those whose selection finished first or second in the greatest number of Place Pick (n) contests. The Place Pick (n) carryover shall be designated for distribution on a specified date and performance under any of the following circumstances:
    - a. Upon written approval from the Department as provided in subsection (H)(9) of this rule.
    - b. Upon written approval from the Department when there is a change in the carryover cap, a change from one type of Place Pick (n) wagering to another, or when the Place Pick (n) is discontinued.
    - c. On the closing performance of the meet or split meet.
  11. If, for any reason, the Place Pick (n) carryover must be held over to the corresponding Place Pick (n) pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the Department. The Place Pick (n) carryover plus accrued interest shall then be added to the net Place Pick (n) pool of the following meet on a date and performance so designated by the Department.
  12. With the written approval of the Department, the permittee may contribute to the Place Pick (n) carryover a sum of money up to the amount of any designated cap.
  13. Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of live tickets remaining is strictly prohibited. This shall not prohibit necessary communication between totalisator and pari-mutuel department employees for processing of pool data.
  14. The permittee may suspend previously approved Place Pick (n) wagering with the prior approval of the Department. Any carryover shall be held until the suspended Place Pick (n) wagering is reinstated. A permittee may request approval of a Place Pick (n) wager or separate wagering pool for specific performances.
- I. Quinella Pools**
1. The Quinella requires selection of the first two finishers, irrespective of order, for a single contest.
  2. The net Quinella pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
    - a. If contestants of a coupled entry or mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise
    - b. As a single price pool to those whose combination finished as the first two betting interests; but if there are no such wagers, then
    - c. As a profit split to those whose combination included either the first- or second-place finisher; but if there are no such wagers on one of the those two finishers, then
    - d. As a single price pool to those whose combination included the one covered betting interest included within the first two finishers; but if there are no such wagers, then
    - e. The entire pool shall be refunded on Quinella wagers for that contest.
- J. Quinella Double Pools**
1. The Quinella Double requires selection of the first two finishers, irrespective of order, in each of two specified contests.
  2. The net Quinella Double pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
    - a. If a coupled entry or mutuel field finishes as the first two contestants in either contest, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish for that contest, as well as the first two finishers in the alternate Quinella Double contest; otherwise
    - b. As a single price pool to those who selected the first two finishers in each of the two Quinella Double contests; but if there are no such wagers, then
    - c. As a profit split to those who selected the first two finishers in either of the two Quinella Double contests; but if there are no such wagers on one of those contests, then

- d. As a single price pool to those who selected the first two finishers in the one covered Quinella Double contest; but if there were no such wagers, then
- e. The entire pool shall be refunded on Quinella Double wagers for those contests.
3. If there is a dead heat for first in either of the two Quinella Double contests involving:
  - a. Contestants representing the same betting interest, the Quinella Double pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish for that contest.
  - b. Contestants representing two betting interests, the Quinella Double pool shall be distributed as if no dead heat occurred.
  - c. Contestants representing three or more betting interests, the Quinella Double pool shall be distributed as a profit split.
4. If there is a dead heat for second in either of the Quinella Double contests involving contestants representing the same betting interest, the Quinella Double pool shall be distributed as if no dead heat occurred.
5. If there is a dead heat for second in either of the Quinella Double contests involving contestants representing two or more betting interests, the Quinella Double pool shall be distributed as profit split.
6. Should a betting interest in the first half of the Quinella Double be scratched prior to the first Quinella Double contest being declared official, all money wagered on combinations including the scratched betting interest shall be deducted from the Quinella Double pool and refunded.
7. Should a betting interest in the second half of the Quinella Double be scratched prior to the close of wagering on the first Quinella Double contest, all money wagered on combinations including the scratched betting interest shall be deducted from the Quinella Double pool and refunded.
8. Should a betting interest in the second half of the Quinella Double be scratched after the close of wagering on the first Quinella Double contest, all wagers combining the winning combination in the first contest with a combination including the scratched betting interest in the second contest shall be allocated a consolation payoff. In calculating the consolation payoff, the net Quinella Double pool shall be divided by the total amount wagered on the winning combination in the first contest and an unbroken consolation price obtained. The unbroken consolation price is multiplied by the dollar value of wagers on the winning combination in the first contest combined with a combination including the scratched betting interest in the second contest to obtain the consolation payoff. Breakage is not utilized in this calculation. The consolation payoff is deducted from the net Quinella Double pool before calculation and distribution of the winning Quinella Double payoff. In the event of a dead heat involving separate betting interests, the net Quinella Double pool shall be distributed as a profit split.
9. If either of the Quinella Double contests is cancelled prior to the first Quinella Double contest, or the first Quinella Double contest is declared "no contest," the entire Quinella Double pool shall be refunded on Quinella Double wagers for those contests.
10. If the second Quinella Double contest is cancelled or declared "no contest" after the conclusion of the first

Quinella Double contest, the net Quinella Double pool shall be distributed as a single price pool to wagers selecting the winning combination in the first Quinella Double contest. If there are no wagers selecting the winning combination in the first Quinella Double contest, the entire Quinella Double pool shall be refunded on Quinella Double wagers for those contests.

#### K. Exacta Pools

1. The Exacta requires selection of the first two finishers, in their exact order, for a single contest.
2. The net Exacta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
  - a. If contestants of a coupled entry or mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise
  - b. As a single price pool to those whose combination finished in correct sequence as the first two betting interests; but if there are no such wagers, then
  - c. As a profit split to those whose combination included either the first-place betting interest to finish first or the second-place betting interest to finish second; but if there are no such wagers on one of those two finishers, then
  - d. As a single price pool to those whose combination included the one covered betting interest to finish first or second in the correct sequence; but if there are no such wagers, then
  - e. The entire pool shall be refunded on Exacta wagers for that contest.
3. If there is a dead heat for first involving:
  - a. Contestants representing the same betting interest, the Exacta pool shall be distributed as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.
  - b. Contestants representing two or more betting interests, the Exacta pool shall be distributed as a profit split.
4. If there is a dead heat for second involving contestants representing the same betting interest, the Exacta pool shall be distributed as if no dead heat occurred.
5. If there is a dead heat for second involving contestants representing two or more betting interests, the Exacta pool shall be distributed to ticket holders in the following precedence, based upon the official order of finish:
  - a. As a profit split to those combining the first-place betting interest with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then
  - b. As a single price pool to those combining the first-place betting interest with the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then
  - c. As a profit split to those wagers correctly selecting the winner for first place and those wagers selecting any of the dead-heated betting interests for second place; but if there are no such wagers, then
  - d. The entire pool shall be refunded on Exacta wagers for that contest.

#### L. Trifecta Pools

1. The Trifecta requires selection of the first three finishers, in their exact order, for a single contest.

2. The net Trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
    - a. As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then
    - b. As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
    - c. As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
    - d. The entire pool shall be refunded on Trifecta wagers for that contest.
  3. If less than three betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest shall be ignored.
  4. If there is a dead heat for first involving:
    - a. Contestants representing three or more betting interests, all of the wagering combinations selecting three betting interests which correspond with any of the betting interests involved in the dead heat shall share in a profit split.
    - b. Contestants representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third-place betting interest shall share in a profit split.
  5. If there is a dead heat for second, all of the combinations correctly selecting the winner combined with any of the betting interests involved in the dead heat for second shall share in a profit split.
  6. If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any of the betting interests involved in the dead heat for third shall share in a profit split.
- M. Superfecta Pools**
1. The Superfecta requires selection of the first four finishers, in their exact order, for a single contest.
  2. The net Superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
    - a. As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then
    - b. As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then
    - c. As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
    - d. As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
    - e. The entire pool shall be refunded on Superfecta wagers for that contest.
  3. If less than four betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest shall be ignored.
  4. If there is a dead heat for first involving:
    - a. Contestants representing four or more betting interests, all of the wagering combinations selecting four betting interests which correspond with any of the betting interests involved in the dead heat shall share in a profit split.
    - b. Contestants representing three betting interests, all of the wagering combinations selecting the three dead-heated betting interests, irrespective of order, along with the fourth-place betting interest shall share in a profit split.
    - c. Contestants representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third-place and fourth-place betting interests shall share in a profit split.
  5. If there is a dead heat for second involving:
    - a. Contestants representing three or more betting interests, all of the wagering combinations correctly selecting the winner combined with any of the three betting interests involved in the dead heat for second shall share in a profit split.
    - b. Contestants representing two betting interests, all of the wagering combinations correctly selecting the winner, the two dead-heated betting interests, irrespective of order, and the fourth-place betting interest shall share in a profit split.
  6. If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any two of the betting interests involved in the dead heat for third shall share in a profit split.
  7. If there is a dead heat for fourth, all wagering combinations correctly selecting the first three finishers, in correct sequence, along with any of the betting interests involved in the dead heat for fourth shall share in a profit split.
- N. Twin Quinella Pools**
1. The Twin Quinella requires selection of the first two finishers, irrespective of order, in each of two designated contests. Each winning ticket for the first Twin Quinella contest must be exchanged for a free ticket on the second Twin Quinella contest in order to remain eligible for the second-half Twin Quinella pool. Such tickets may be exchanged only at attended ticket windows prior to the second Twin Quinella contest. There will be no monetary reward for winning the first Twin Quinella contest. Both of the designated Twin Quinella contests shall be included in only one Twin Quinella pool.
  2. In the first Twin Quinella contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first Twin Quinella contest:
    - a. If a coupled entry or mutuel field finishes as the first two finishers, those who selected the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish shall be winners; otherwise
    - b. Those whose combination finished as the first two betting interests shall be winners; but if there are no such wagers, then
    - c. Those whose combination included either the first- or second-place finisher shall be winners; but if there are no such wagers on one of those two finishers, then
    - d. Those whose combination included the one covered betting interest included within the first two finish-

- ers shall be winners; but if there are no such wagers, then
- e. The entire pool shall be refunded on Twin Quinella wagers for that contest.
3. In the first Twin Quinella contest only, if there is a dead heat for first involving:
    - a. Contestants representing the same betting interest, those who selected the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish shall be winners.
    - b. Contestants representing two betting interests, the winning Twin Quinella wagers shall be determined as if no dead heat occurred.
    - c. Contestants representing three or more betting interests, those whose combination included any two of the betting interests finishing in the dead heat shall be winners.
  4. In the first Twin Quinella contest only, if there is a dead heat for second involving contestants representing two or more betting interests, the Twin Quinella pool shall be distributed to wagers in the following precedence, based upon the official order of finish:
    - a. As a profit split to those combining the winner with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then
    - b. As a single price pool to those combining the winner with the one covered betting interest involved in the dead heat for second, but if there are no such wagers, then
    - c. As a profit split to those combining the betting interests involved in the dead heat for second; but if there are no such wagers, then
    - d. As a profit split to those whose combination included the winner and any other betting interest and wagers selecting any of the betting interests involved in the dead heat for second; but if there are no such wagers, then
    - e. The entire pool shall be refunded on Twin Quinella wagers for the contest.
  5. In the second Twin Quinella contest only, the entire net Twin Quinella pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Twin Quinella contest:
    - a. If a coupled entry or mutuel field finishes as the first two finishers, as a single price pool to those who selected the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise
    - b. As a single price pool to those whose combination finished as the first two betting interests; but if there are no such wagers, then
    - c. As a profit split to those whose combination included either the first- or second-place finisher; but if there are no such wagers on one of those two finishers, then
    - d. As a single price pool to those whose combination included the one covered betting interest included within the first two finishers; but if there are no such wagers, then
    - e. As a single price pool to all the exchange ticket holders for that contest; but if there are no such tickets, then
    - f. In accordance with subsection (N)(2) of the Twin Quinella rules.
  6. In the second Twin Quinella contest only, if there is a dead heat for first involving:
    - a. Contestants representing the same betting interest, the net Twin Quinella pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.
    - b. Contestants representing two betting interests, the net Twin Quinella pool shall be distributed as if no dead heat occurred.
    - c. Contestants representing three or more betting interests, the net Twin Quinella pool shall be distributed as a profit split to those whose combination included any two of the betting interests finishing in the dead heat.
  7. In the second Twin Quinella contest only, if there is a dead heat for second involving contestants representing two or more betting interests, the Twin Quinella pool shall be distributed to wagers in the following precedence, based upon the official order of finish:
    - a. As a profit split to those combining the winner with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then
    - b. As a single price pool to those combining the winner with the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then
    - c. As a profit split to those combining the betting interests involved in the dead heat for second; but if there are no such wagers, then
    - d. As a profit split to those whose combination included the winner and any other betting interest and wagers selecting any of the betting interests involved in the dead heat for second, then
    - e. As a single price pool to all the exchange ticket holders for that contest; but if there are no such tickets, then
    - f. In accordance with subsection (N)(2) of the Twin Quinella rules.
  8. If a winning ticket for the first-half of the Twin Quinella is not presented for exchange prior to the close of betting on the second-half Twin Quinella contest, the ticket holder forfeits all rights to any distribution of the Twin Quinella pool resulting from the outcome of the second contest.
  9. Should a betting interest in the first half of the Twin Quinella be scratched, those Twin Quinella wagers including the scratched betting interest shall be refunded.
  10. Should a betting interest in the second half of the Twin Quinella be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second Twin Quinella contest, the ticket holder forfeits all rights to the Twin Quinella pool.
  11. If either of the Twin Quinella contests is cancelled prior to the first Twin Quinella contest, or the first Twin Quinella contest is declared "no contest," the entire Twin Quinella pool shall be refunded on Twin Quinella wagers for that contest.
  12. If the second-half Twin Quinella contest is cancelled or declared "no contest" after the conclusion of the first Twin Quinella contest, the net Twin Quinella pool shall be distributed as a single price pool to wagers selecting

the winning combination in the first Twin Quinella contest and all valid exchange tickets. If there are no such wagers, the net Twin Quinella pool shall be distributed as described in subsection (N)(2) of the Twin Quinella rules.

**O. Twin Trifecta Pools**

1. The Twin Trifecta requires selection of the first three finishers, in their exact order, in each of two designated contests. Each winning ticket for the first Twin Trifecta contest must be exchanged for a free ticket on the second Twin Trifecta contest in order to remain eligible for the second-half Twin Trifecta pool. Such tickets may be exchanged only at attended ticket windows prior to the second Twin Trifecta contest. Winning first-half Twin Trifecta wagers will receive both an exchange and a monetary payoff. Both of the designated Twin Trifecta contests shall be included in only one Twin Trifecta pool.
2. After wagering closes for the first half of the Twin Trifecta and commissions have been deducted from the pool, the net pool shall then be divided into separate pools: the first-half Twin Trifecta pool and the second-half Twin Trifecta pool.
3. In the first Twin Trifecta contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first Twin Trifecta contest:
  - a. As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then
  - b. As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
  - c. As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
  - d. The entire Twin Trifecta pool shall be refunded on Twin Trifecta wagers for that contest and the second half shall be cancelled.
4. If no first-half Twin Trifecta ticket selects the first three finishers of that contest in exact order, winning ticket holders shall not receive any exchange tickets for the second-half Twin Trifecta pool. In such case, the second-half Twin Trifecta pool shall be retained and added to any existing Twin Trifecta carryover pool.
5. Winning tickets from the first half of the Twin Trifecta shall be exchanged for tickets selecting the first three finishers of the second-half of the Twin Trifecta. The second-half Twin Trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Twin Trifecta contest:
  - a. As a single price pool, including any existing carryover monies, to those whose combination finished in correct sequence as the first three betting interests; but if there are no such tickets, then
  - b. The entire second-half Twin Trifecta pool for that contest shall be added to any existing carryover monies and retained for the corresponding second-half Twin Trifecta pool of the next consecutive performance.
6. If a winning first-half Twin Trifecta ticket is not presented for cashing and exchange prior to the second-half Twin Trifecta contest, the ticket holder may still collect the monetary value associated with the first-half Twin Trifecta pool but forfeits all rights to any distribution of the second-half Twin Trifecta pool.
7. Should a betting interest in the first half of the Twin Trifecta be scratched, those Twin Trifecta wagers including the scratched betting interest shall be refunded.
8. Should a betting interest in the second-half of the Twin Trifecta be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second Twin Trifecta contest, the ticket holder forfeits all rights to the second-half Twin Trifecta pool.
9. If, due to a late scratch, the number of betting interests in the second half of the Twin Trifecta is reduced to fewer than the minimum, all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half Twin Trifecta pool for that contest as a single price pool, but not the Twin-Trifecta carryover.
10. If there is a dead heat or multiple dead heats in either the first- or second-half of the Twin Trifecta, all Twin Trifecta wagers selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in:
  - a. The first half of the Twin Trifecta, the payoff shall be calculated as a profit split.
  - b. The second half of the Twin Trifecta, the payoff shall be calculated as a single price pool.
11. If either of the Twin Trifecta contests are cancelled prior to the first Twin Trifecta contest, or the first Twin Trifecta contest is declared "no contest," the entire Twin Trifecta pool shall be refunded on Twin Trifecta wagers for that contest and the second half shall be cancelled.
12. If the second-half Twin Trifecta contest is cancelled or declared "no contest," all exchange tickets and outstanding first-half winning Twin Trifecta tickets shall be entitled to the net Twin Trifecta pool for that contest as a single price pool, but not Twin-Trifecta carryover. If there are no such tickets, the net Twin Trifecta pool shall be distributed as described in subsection (O)(3) of the Twin Trifecta rules.
13. The Twin-Trifecta carryover may be capped at a designated level approved by the Department so that if, at the close of any performance, the amount in the Twin-Trifecta carryover equals or exceeds the designated cap, the Twin-Trifecta carryover will be frozen until it is won or distributed under other provisions of this rule. After the Twin Trifecta carryover is frozen, 100% of the net Twin Trifecta pool for each individual contest shall be distributed to carryover winners of the first half of the Twin Trifecta pool.
14. A written request for permission to distribute the Twin-Trifecta carryover on a specific performance may be submitted to the Department. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.
15. Should the Twin-Trifecta carryover be designated for distribution on a specified date and performance, the following precedence will be followed in determining winning tickets for the second half of the Twin Trifecta after completion of the first half of the Twin Trifecta:
  - a. As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then

- b. As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
    - c. As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
    - d. As a single price pool to holders of valid exchange tickets.
    - e. As a single price pool to holders of outstanding first-half winning tickets.
  16. Contrary to subsection (O)(4) of the Twin Trifecta rules, during a performance designated to distribute the Twin-Trifecta carryover, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first half of the Twin Trifecta. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first- and second-place betting interests. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers selecting the first-place betting interest only in the first half of the Twin Trifecta, all first-half tickets will become winners and will receive 100% of that day's net Twin Trifecta pool and any existing Twin-Trifecta carryover as a single price pool.
  17. The Twin-Trifecta carryover shall be designated for distribution on a specified date and performance only under the following circumstances:
    - a. Upon written approval from the Department as provided in subsection (O)(15) of the Twin Trifecta rules.
    - b. Upon written approval from the Department when there is a change in the carryover cap or when the Twin Trifecta is discontinued.
    - c. On the closing performance of the meet or split meet.
  18. If, for any reason, the Twin-Trifecta carryover must be held over to the corresponding Twin Trifecta pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the Department. The Twin-Trifecta carryover plus accrued interest shall then be added to the second-half Twin Trifecta pool of the following meet on a date and performance so designated by the Department.
  19. Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of valid exchange tickets is prohibited. This shall not prohibit necessary communication between totalisator and parimutuel department employees for processing of pool data.
  20. The permittee must obtain written approval from the Department concerning the scheduling of Twin Trifecta contests, the percentages of the net pool added to the first-half pool and second-half pool, and the amount of any cap to be set on the carryover. Any changes to the approved Twin Trifecta format require prior approval from the Department.
- P. Tri-Superfecta Pools**
1. The Tri-Superfecta requires selection of the first three finishers, in their exact order, in the first of two designated contests and the first four finishers, in exact order, in the second of the two designated contests. Each winning ticket for the first Tri-Superfecta contest must be exchanged for a free ticket on the second Tri-Superfecta contest in order to remain eligible for the second-half Tri-Superfecta pool. Such tickets may be exchanged only at attended ticket windows prior to the second Tri-Superfecta contest. Winning first-half Tri-Superfecta tickets will receive both an exchange and a monetary payoff. Both of the designated Tri-Superfecta contests shall be included in only one Tri-Superfecta pool.
  2. After wagering closes for the first-half of the Tri-Superfecta and commissions have been deducted from the pool, the net pool shall then be divided into two separate pools: the first-half Tri-Superfecta pool and the second-half Tri-Superfecta pool.
  3. In the first Tri-Superfecta contest only, winning tickets shall be determined using the following precedence, based upon the official order of finish for the first Tri-Superfecta contest:
    - a. As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then
    - b. As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
    - c. As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
    - d. The entire Tri-Superfecta pool shall be refunded on Tri-Superfecta for that contest and the second half shall be cancelled.
  4. If no first-half Tri-Superfecta ticket selects the first three finishers of that contest in exact order, winning ticket holders shall not receive any exchange tickets for the second-half Tri-Superfecta pool. In such case, the second-half Tri-Superfecta pool shall be retained and added to any existing Tri-Superfecta carryover pool.
  5. Winning tickets from the first half of the Tri-Superfecta shall be exchanged for tickets selecting the first four finishers of the second-half of the Tri-Superfecta. The second-half Tri-Superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Tri-Superfecta contest:
    - a. As a single price pool, including any existing carryover monies, to those whose combination finished in correct sequence as the first four betting interests; but if there are no such tickets, then
    - b. The entire second-half Tri-Superfecta pool for that contest shall be added to any existing carryover monies and retained for the corresponding second-half Tri-Superfecta pool of the next performance.
  6. If a winning first-half Tri-Superfecta ticket is not presented for cashing and exchange prior to the second-half Tri-Superfecta contest, the ticket holder may still collect the monetary value associated with the first-half Tri-Superfecta pool but forfeits all rights to any distribution of the second-half Tri-Superfecta pool.
  7. Coupled entries and mutuel fields shall be prohibited in Tri-Superfecta contests.
  8. Should a betting interest in the first-half of the Tri-Superfecta be scratched, those Tri-Superfecta tickets including the scratched betting interest shall be refunded.
  9. Should a betting interest in the second-half of the Tri-Superfecta be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include

- the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second Tri-Superfecta contest, the ticket holder forfeits all rights to the second-half Tri-Superfecta pool.
10. If, due to a late scratch, the number of betting interests in the second-half of the Tri-Superfecta is reduced to fewer than the minimum, all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half Tri-Superfecta pool for that contest as a single price pool, but not the Tri-Superfecta carryover.
  11. If there is a dead heat or multiple dead heats in either the first or second half of the Tri-Superfecta, all Tri-Superfecta tickets selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in
    - a. The first-half of the Tri-Superfecta, the payoff shall be calculated as a profit split.
    - b. The second-half of the Tri-Superfecta, the payoff shall be calculated as a single price pool.
  12. If either of the Tri-Superfecta contests are cancelled prior to the first Tri-Superfecta contest, or the first Tri-Superfecta contest is declared "no contest," the entire Tri-Superfecta pool shall be refunded on Tri-Superfecta wagers for that contest and the second half shall be cancelled.
  13. If the second-half Tri-Superfecta contest is cancelled or declared "no contest," all exchange tickets and outstanding first-half winning Tri-Superfecta tickets shall be entitled to the net Tri-Superfecta pool for that contest as a single price pool, but not the Tri-Superfecta carryover. If no there are no such tickets, the net Tri-Superfecta pool shall be distributed as described in subsection (P)(3) of the Tri-Superfecta rules.
  14. The Tri-Superfecta carryover may be capped at a designated level approved by the Department so that if, at the close of any performance, the amount in the Tri-Superfecta carryover equals or exceeds the designated cap, the Tri-Superfecta carryover will be frozen until it is won or distributed under other provisions of this rule. After the second-half Tri-Superfecta carryover is frozen, 100% of the net Tri-Superfecta pool for each individual contest shall be distributed to winners of the first-half of the Tri-Superfecta pool.
  15. A written request for permission to distribute the Tri-Superfecta carryover on a specific performance may be submitted to the Department. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.
  16. Should the Tri-Superfecta carryover be designated for distribution on a specified date and performance, the following precedence will be followed in determining winning tickets for the second half of the Tri-Superfecta after completion of the first half of the Tri-Superfecta:
    - a. As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then
    - b. As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then
    - c. As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
    - d. As a single price pool to those whose combination included, in correct sequence, the first-place betting interest only; but if there are no such wagers, then
    - e. As a single price pool to holders of valid exchange tickets.
    - f. As a single price pool to holders of outstanding first-half winning tickets.
  17. Contrary to subsection (P)(4) of the Tri-Superfecta rules, during a performance designated to distribute the Tri-Superfecta carryover, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first-half of the Tri-Superfecta. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first- and second-place betting interests. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers selecting the first-place betting interest only in the first half of the Tri-Superfecta, all first-half tickets will become winners and will receive 100% of that day's net Tri-Superfecta pool and any existing Tri-Superfecta carryover as a single price pool.
  18. The Tri-Superfecta carryover shall be designated for distribution on a specified date and performance only under the following circumstances:
    - a. Upon written approval from the Department as provided in subsection (P)(15) of the Tri-Superfecta rules.
    - b. Upon written approval from the Department when there is a change in the carryover cap or when the Tri-Superfecta is discontinued.
    - c. On the closing performance of the meet or split meet.
  19. If, for any reason, the Tri-Superfecta carryover must be held over to the corresponding Tri-Superfecta pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the Department. The Tri-Superfecta carryover plus accrued interest shall then be added to the second-half Tri-Superfecta pool of the following meet on a date and performance so designated by the Department.
  20. Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of valid exchange tickets is prohibited. This shall not prohibit necessary communication between totalisator and pari-mutuel department employees for processing of pool data.
  21. The permittee must obtain written approval from the Department concerning the scheduling of Tri-Superfecta contests, the percentages of the net pool added to the first-half pool and second-half pool, and the amount of any cap to be set on the carryover. Any changes to the approved Tri-Superfecta format require prior approval from the Department.
- Q. Twin Superfecta Pools**
1. The Twin Superfecta requires selection of the first four finishers, in their exact order, in each of two designated contests. Each winning ticket for the first Twin Superfecta contest must be exchanged for a free ticket on the second Twin Superfecta contest in order to remain eligible for the second-half Twin Superfecta pool. Such tickets

- may be exchanged only at attended ticket windows prior to the second Twin Superfecta contest. Winning first-half Twin Superfecta tickets will receive both an exchange and a monetary payoff. Both of the designated Twin Superfecta contests shall be included in only one Twin Superfecta pool.
2. After wagering closes for the first half of the Twin Superfecta and commissions have been deducted from the pool, the net pool shall then be divided into two separate pools: the first-half Twin Superfecta pool and the second-half Twin Superfecta pool.
  3. In the first Twin Superfecta contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first Twin Superfecta contest:
    - a. As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then
    - b. As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then
    - c. As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
    - d. As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
    - e. The entire Twin Superfecta pool shall be refunded on Twin Superfecta wagers for that contest and the second half shall be cancelled.
  4. If no first-half Twin Superfecta ticket selects the first four finishers of that contest in exact order, winning ticket holders shall not receive any exchange tickets for the second-half Twin Superfecta pool. In such case, the second-half Twin Superfecta pool shall be retained and added to any existing Twin Superfecta carryover pool.
  5. Winning tickets from the first half of the Twin Superfecta shall be exchanged for tickets selecting the first four finishers of the second half of the Twin Superfecta. The second-half Twin Superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Twin Superfecta contest:
    - a. As a single price pool, including any existing carryover monies, to those whose combination finished in correct sequence as the first four betting interests; but if there are no such tickets, then
    - b. The entire second-half Twin Trifecta pool for that contest shall be added to any existing carryover monies and retained for the corresponding second-half Twin Superfecta pool of the next performance.
  6. If a winning first-half Twin Superfecta ticket is not presented for cashing and exchange prior to the second-half Twin Superfecta contest, the ticket holder may still collect the monetary value associated with the first-half Twin Superfecta pool but forfeits all rights to any distribution of the second-half Twin Trifecta pool.
  7. Coupled entries and mutuel fields shall be prohibited in Twin Superfecta contests.
  8. Should a betting interest in the first half of the Twin Superfecta be scratched, those Twin Superfecta tickets including the scratched betting interest shall be refunded.
  9. Should a betting interest in the second half of the Twin Superfecta be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second Twin Superfecta contest, the ticket holder forfeits all rights to the second-half Twin Superfecta pool.
  10. If, due to a late scratch, the number of betting interests in the second-half of the Twin Superfecta is reduced to fewer than the minimum, all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half Twin Superfecta pool for that contest as a single price pool but not the Twin Superfecta carryover.
  11. If there is a dead heat or multiple dead heats in either the first- or second-half of the Twin Superfecta, all Twin Superfecta tickets selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in:
    - a. The first half of the Twin Superfecta, the payoff shall be calculated as a profit split.
    - b. The second half of the Twin Superfecta, the payoff shall be calculated as a single price pool.
  12. If either of the Twin Superfecta contests is cancelled prior to the first Twin Superfecta contest, or the first Twin Superfecta contest is declared "no contest," the entire Twin Superfecta pool shall be refunded on Twin Superfecta wagers for that contest and the second half shall be cancelled.
  13. If the second-half Twin Superfecta contest is cancelled or declared "no contest," all exchange tickets and outstanding first-half winning Twin Superfecta tickets shall be entitled to the net Twin Superfecta pool for that contest as a single price pool but not the Twin Superfecta carryover. If there are no such tickets, the net Twin Superfecta pool shall be distributed as described in subsection (Q)(3) of the Twin Superfecta rules.
  14. The Twin Superfecta carryover may be capped at a designated level approved by the Department so that if, at the close of any performance, the amount in the Twin Superfecta carryover equals or exceeds the designated cap, the Twin Superfecta carryover will be frozen until it is won or distributed under other provisions of this rule. After the second-half Twin Superfecta carryover is frozen, 100% of the net Twin Superfecta pool for each individual contest shall be distributed to winners of the first half of the Twin Superfecta pool.
  15. A written request for permission to distribute the Twin Superfecta carryover on a specific performance may be submitted to the Department. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.
  16. Should the Twin Superfecta carryover be designated for distribution on a specified date and performance, the following precedence will be followed in determining winning tickets for the second half of the Twin Superfecta after completion of the first half of the Twin Superfecta:
    - a. As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then
    - b. As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then
    - c. As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then



- d. As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
  - e. As a single price pool to holders of valid exchange tickets.
  - f. As a single price pool to holders of outstanding first-half winning tickets.
17. Contrary to subsection (Q)(4) of the Twin Superfecta rules, during a performance designated to distribute the Twin Superfecta carryover, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first-half of the Twin Superfecta. If there are no wagers correctly selecting the first-, second-, third-, and fourth-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-, second-, and third-place betting interests. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first- and second-place betting interests. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers selecting the first-place betting interest only in the first half of the Twin Superfecta, all first-half tickets will become winners and will receive 100% of that day's net Twin Superfecta pool and any existing Twin Superfecta carryover as a single price pool.
  18. The Twin Superfecta carryover shall be designated for distribution on a specified date and performance only under the following circumstances:
    - a. Upon written approval from the Department as provided in subsection (Q)(15) of the Twin Superfecta rules.
    - b. Upon written approval from the Department when there is a change in the carryover cap or when the Twin Superfecta is discontinued.
    - c. On the closing performance of the meet or split meet.
  19. If, for any reason, the Twin Superfecta carryover must be held over to the corresponding Twin Superfecta pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the Department. The Twin Superfecta carryover plus accrued interest shall then be added to the second-half Twin Superfecta pool of the following meet on a date and performance so designated by the Department.
  20. Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of valid exchange tickets is prohibited. This shall not prohibit necessary communications between totalisator and parimutuel department employees for processing of pool data.
  21. The permittee must obtain written approval from the Department concerning the scheduling of Twin Superfecta contests, the percentages of the net pool added to the first-half pool and second-half pool, and the amount of any cap to be set on the carryover. Any changes to the approved Twin Superfecta format require prior approval from the Department.
- R. Grand Slam Pools**
1. The Grand Slam requires selection of the Exacta, Trifecta, and Superfecta, respectively, in three consecutive contests. Each winning ticket for the first Grand Slam contest must be exchanged for a free ticket on the second Grand Slam contest in order to remain eligible for the second contest share of the Grand Slam pool. Such tickets may be exchanged only at attended ticket windows prior to the second Grand Slam contest. Winning Grand Slam tickets on the first race shall receive both an exchange and a monetary payoff. Each winning ticket for the second Grand Slam contest must be exchanged for a free ticket on the third Grand Slam Contest in order to remain eligible for the third contest share of the Grand Slam pool. Such tickets must be exchanged only at attended ticket windows prior to the third Grand Slam contest. Winning tickets on the second race shall receive both an exchange and a monetary payoff. The three designated Grand Slam contests shall be included in only one Grand Slam pool.
  2. After wagering closes for the first contest of the Grand Slam and commissions have been deducted from the pool, the net pool shall be divided into three separate pools: the first contest pool (25%), the second contest pool (25%), and the third contest pool (50%).
  3. In the first Grand Slam contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first Grand Slam contest:
    - a. If contestants of a coupled entry or mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise
    - b. As a single price pool to those whose combination finished in correct sequence as the first two betting interests; but if there are no such wagers, then
    - c. As a profit split to those whose combination included either the first-place betting interest to finish first or the second-place betting interest to finish second; but if there are no such wagers on one of those two finishers, then
    - d. As a single price pool to those whose combination included the one covered betting interest to finish first or second.
  4. Winning tickets from the first contest of the Grand Slam shall be exchanged for tickets selecting the first three finishers of the second contest of the Grand Slam. The second contest pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Grand Slam contest:
    - a. As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then
    - b. The entire pool for the second and third contests shall be added to any existing carryover monies and retained for the third contest pool of the next performance.
  5. Winning tickets for the second contest of the Grand Slam shall be exchanged for tickets selecting the first four finishers of the third contest of the Grand Slam. The third contest pool and any existing carryover monies shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the third Grand Slam contest:
    - a. As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then

- b. The entire pool for the third contest shall be added to any existing carryover monies and retained for the corresponding third contest pool of the next performance.
6. If a winning Grand Slam ticket is not presented for cashing and exchange prior to the next Grand Slam contest, the ticket holder may still collect the monetary value associated with the corresponding pool but forfeits all rights to any distribution of subsequent Grand Slam pools.
7. Coupled entries and mutuel fields shall be prohibited in the second and third races of the Grand Slam.
8. Should a betting interest in the first contest of the Grand Slam be scratched, those Grand Slam wagers including the scratched betting interest shall be refunded.
9. Should a betting interest in the second or third contests of the Grand Slam be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the corresponding contest, the ticket holder forfeits all rights to the remainder of the Grand Slam pool.
10. If there is a dead heat or multiple dead heats in any of the contests of the Grand Slam, all Grand Slam wagers selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be winners. Contrary to the usual practice, the aggregate number of winning tickets shall be divided into the net pool and paid the same price.
11. If any of the Grand Slam contests are cancelled prior to the first Grand Slam contest, or the first Grand Slam contest is declared "no contest," the entire Grand Slam pool shall be refunded on Grand Slam wagers for that contest and the remaining Grand Slam contests shall be cancelled. Any existing carryover monies pursuant to subsections (R)(4) and (5) of this rule shall carryover to the next consecutive racing program of that meeting.
12. If the second contest of the Grand Slam is canceled or declared "no contest," or if less than three contestants finish, the second contest pool of the Grand Slam shall be distributed equally among holders of second contest Grand Slam exchange tickets, and the third-contest pool of the Grand Slam shall carryover to the third-contest pool of the next performance.
13. If the third contest of the Grand Slam is canceled or declared "no contest" before the second contest has been made official but after the first contest (pursuant to subsection (R)(11) of this rule), that racing day's third-contest pool shall be distributed equally among holders of second-contest Grand Slam exchange tickets. If the third contest of the Grand Slam is cancelled or declared "no contest" after the second contest has been made official, that racing day's third contest shall be distributed equally among holders of the third-contest Grand Slam exchange tickets. In such instance, no carryover pool would be generated from that racing day.
14. If no distribution is made pursuant to subsection (R)(5)(a) of this rule, on the last day of the race meeting the permittee shall distribute the third-race pool and any existing carryover monies equally among the holders of exchange tickets selecting the finishing contestants in the third race. The net pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
  - a. As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then
  - b. As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
  - c. As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
  - d. As a single price pool to all holders of third-race tickets.
15. If there were no winning wagers in the second race of the Grand Slam on the last day of the race meeting, the permittee shall distribute the second-race pool and any existing carryover monies equally among the holders of exchange tickets selecting the finishing contestants in the second race. The net pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
  - a. As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
  - b. As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
  - c. As a single price pool to all holders of second-race tickets.
16. If there were no winning wagers in the first race of the Grand Slam on the last day of the race meeting, the permittee shall distribute the first-race pool and any existing carryover monies as a profit split to the holders of tickets selecting either the first-place finisher to finish first or the second-place finisher to finish second. If there were still no winning wagers in the first race of the Grand Slam, such monies shall be distributed to all ticket holders.
17. Grand Slam tickets shall be issued in multiples of \$1.00.

#### Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). Amended effective November 16, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18); inadvertently omitted from Supp. 93-4 (Supp. 94-2). Typographical corrections made to subsections (F)(6), (P)(3)(d), and (P)(21) (Supp. 94-4). R19-2-523 recodified from R4-27-523 (Supp. 95-1). Amended effective July 3, 1996 (Supp. 96-3). Amended effective September 17, 1997, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 97-3). Amended by exempt rulemaking at 6 A.A.R. 786, effective February 1, 2000 (Supp. 00-1).

#### ARTICLE 6. STATE BOXING ADMINISTRATION

##### R19-2-601. Definitions

The following terms apply to this Article:

1. "Annual bond" means the cash or surety bond, required under A.R.S. § 5-228(E), to be deposited with the Department by a promoter as a prerequisite for a promoter's license.
2. "Commission" means the Arizona State Boxing Commission.
3. "Department" means the Arizona Department of Racing.
4. "Event bond" means the cash or surety bond, authorized under A.R.S. § 5-229(B), which the Commission may

require a promoter to deposit with the Department before each contest.

5. "Gross receipts" means all receipts from the face value of tickets sold. A.R.S. § 5-104.02(E)
6. "Ticket agent" means a person authorized by a promoter to print tickets.
7. "Ticket vendor" means a person authorized by a promoter to sell tickets.
8. "Tickets issued" means all tickets printed for an event.

#### Historical Note

New Section recodified from Section R4-3-415 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 805, effective January 18, 2001 (Supp. 01-1).

#### R19-2-602. Notice to the Department

- A. The Commission shall notify the Department in writing not more than two business days after approving the date of a event. The Commission shall also notify the Department immediately if any change in the scheduled event occurs.
- B. The Commission shall provide copies of all contracts to the Department, if requested.

#### Historical Note

New Section recodified from Section R4-3-416 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 805, effective January 18, 2001 (Supp. 01-1).

#### R19-2-603. Ticket Manifest, Collection, Accounting

- A. General requirements.
  1. A promoter shall provide the Department with:
    - a. A ticket manifest from each ticket agent no later than weigh-in. The manifest shall be accompanied by a signed affidavit from the ticket agent or the ticket agent's designee, certifying that the manifest is accurate and complete. The manifest shall list the total number of tickets issued and the number of tickets in each price category.
    - b. If tickets issued are sold through a computerized system that does not lend itself to a manifest, an accounting from each ticket agent of the total number of tickets in each price category. The accounting shall be accompanied by a signed affidavit from the ticket agent or the ticket agent's designee, certifying that the accounting is accurate and complete.
  2. The ticket price shall be clearly printed on each ticket and ticket stub.
  3. A promoter shall ensure that tickets are distributed only through ticket vendors specified by the promoter.
  4. The Commission shall, upon request, provide the Department with the names and contract information for all ticket agents and vendors.
- B. Reduced price tickets. A promoter shall ensure that tickets sold for less than the printed price are plainly over stamped with the actual price charged on the printed face of the ticket and ticket stub.
- C. Complimentary tickets. A promoter shall ensure that:
  1. The total number of complimentary tickets does not exceed 2% of the total number of tickets issued for the event or 75 whichever is greater, as specified under A.R.S. § 5-104.02(D).
  2. Complimentary tickets in excess of the greater value of 2% or 75 are treated as noncomplimentary.
  3. Complimentary tickets and ticket stubs are punched or stamped "complimentary."

- D. Ticket accounting and fee payment. Representatives of the promoter and Department shall meet within 10 days of an event to account for all tickets sold and pay the required tax. If required by the Department, the promoter shall provide an accounting by each ticket vendor.

1. The promoter shall provide the Department with the following information on a Department form:
  - a. The number of tickets sold and unsold in each price category;
  - b. The amount of the gross receipts calculated using the printed price on each ticket sold;
  - c. The signature of the promoter, certifying that the information is true and correct.
2. The Department shall consider as sold any tickets listed on a manifest as issued and not physically presented to the Department by the promoter as unsold.
3. The promoter shall pay the Department 4% of the gross receipts after the deduction of city, state, and federal taxes, of the match or exhibition.

#### Historical Note

New Section recodified from Section R4-3-417 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 805, effective January 18, 2001 (Supp. 01-1).

#### R19-2-604. Annual Bond, Event Bond, Claims

- A. Annual bond.
  1. A promoter shall deposit the annual bond with the Department no later than weigh-in for the first event promoted.
  2. Upon receipt of written notice from the Commission that a promoter's obligations for all events during the calendar year are satisfied, the Department shall release the promoter from the annual bond responsibility for that year.
- B. Event bond.
  1. The Commission shall notify the Department in writing of the amount of an event bond and deposit the bond with the Department no later than the weigh-in for the event. The Department shall retain the event bond until notice is received from the Commission that the promoter has satisfied all obligations concerning the bond guarantee.
  2. Upon receipt of written notice from the Commission that the promoter's obligations for an event are satisfied, the Department shall return the bond to the promoter.
  3. If an event is not held, the Commission shall notify the Department, not later than 22 business days after the scheduled event, whether the promoter's obligations for the event have been satisfied and whether the promoter's event bond can be returned.
- C. Department claim. The Department shall notify:
  1. A promoter by registered or certified mail, return receipt requested, that:
    - a. The unpaid tax on gross receipts shall be paid within 10 business days from receipt of the notice; and
    - b. If the payment is not received within the 10 business days, forfeiture proceedings against the bond may be initiated based on the Department's determination of whether a promoter's obligations have been faithfully performed.
  2. The Commission if a promoter fails to pay the required tax on gross receipts.
- D. The Department shall not release any bond for which a claim is pending.

#### Historical Note

New Section recodified from Section R4-3-418 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2). Section

repealed; new Section adopted by final rulemaking at 7 A.A.R. 805, effective January 18, 2001 (Supp. 01-1).

**R19-2-605. License Fees**

- A. The Commission shall forward license fees to the Department within five business days of receipt with the following information:
1. The type of license issued;
  2. The name and date of birth of the licensee;
  3. The license number; and
  4. The date and amount of payment received.
- B. The Commission shall retain a current list of the licenses issued and the additional applicable licensing information and make the information available to the Department.

**Historical Note**

New Section recodified from Section R4-3-419 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2). Former Section R19-2-605 repealed; new Section R19-2-605 renumbered from R19-2-609 and amended by final rulemaking at 7 A.A.R. 805, effective January 18, 2001 (Supp. 01-1).

**R19-2-606. Fines**

- A. The Commission shall notify the Department in writing if a licensee is issued a fine.
- B. The Commission shall immediately forward the fine payment to the Department.

**Historical Note**

New Section recodified from Section R4-3-420 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2). Former Section R19-2-606 repealed; new Section R19-2-606 renum-

bered from R19-2-610 and amended by final rulemaking at 7 A.A.R. 805, effective January 18, 2001 (Supp. 01-1).

**R19-2-607. Repealed**

**Historical Note**

New Section recodified from Section R4-3-421 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2). Section repealed by final rulemaking at 7 A.A.R. 805, effective January 18, 2001 (Supp. 01-1).

**R19-2-608. Repealed**

**Historical Note**

New Section recodified from Section R4-3-422 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2). Section repealed by final rulemaking at 7 A.A.R. 805, effective January 18, 2001 (Supp. 01-1).

**R19-2-609. Renumbered**

**Historical Note**

New Section recodified from Section R4-3-423 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2). Section renumbered to R19-2-605 by final rulemaking at 7 A.A.R. 805, effective January 18, 2001 (Supp. 01-1).

**R19-2-610. Renumbered**

**Historical Note**

New Section recodified from Section R4-3-424 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2). Section renumbered to R19-2-606 by final rulemaking at 7 A.A.R. 805, effective January 18, 2001 (Supp. 01-1).